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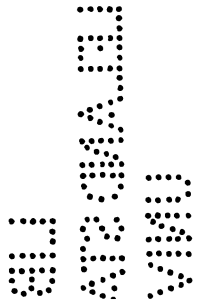
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CONTENTS OF VOL. III.

BOOK VI—PRACTICE (CONTINUED).

CHAPTER VII—TORTURE.

	PAGE
General Use of Torture in Secular Courts	1
The Inquisition not exceptionally cruel	2
More moderate than the Roman Holy Office	3
Formal Preliminaries to prevent its Abuse	4
The Threat of Torture	6
Conditions justifying torture	7
Torture of Witnesses—Torture *in caput alienum*	11
No exemptions admitted	13
Limitations of Torture	14
The Administration of Torture	16
Varieties of Torture	18
Severity of Torture	22
Record of Administration	24
Confession under Torture must be ratified	27
Repetition of Torture	28
Endurance without Confession	30
Frequency of Use of Torture	33
Fees of the Torturer	35

CHAPTER VIII—THE TRIAL.

Gradual development of Procedure	36
The Audience—The Three Monitions	37
The Charges Withheld	39
The Accusation	41
The Advocate for the Defence—His Function	42
The Curador for Minors	50

The Patrones Teólogos
Publication of Evidence
The Defence—Recusation of Judges
Insanity
Tacha and *Abonos*
Evidence for the Defence
The Argument of the Advocate
Examination of the Accused
The *Consulta de Fe*
Delays
Prosecution of the Dead
of the Absent

BOOK VII—PUNISHMENT.

Chapter I—The Sentence.

The two Forms of Sentence
The Culprit kept in Ignorance
Appeals
Modification of Sentence
Severity or Benignity
Enforcement of the Sentence
Acquittal
Suspension
Admission to Bail
Compurgation or Wager of Law
Used by the Inquisition in Doubtful Cases
Formula of Procedure

Chapter II—Minor Penalties.

Reprimand
Abjuration
Exile
Razing Houses
Spiritual Penances
Unusual Penalties

Chapter III—Harsher Penalties.

PAGE
The Scourge 135
Vergüenza 138
The Galleys—The Presidio 139
Reconciliation 146
The Perpetual Prison 151
Commutations. 160
The Sanbenito 162
Its display in Churches 164
Disabilities 172
Clerical Offenders 180

Chapter IV—The Stake.

Burning for heresy in the Public Law of Europe 183
Responsibility of the Church 184
Conversion before or after Sentence—Strangling before Burning 190
Conditions entailing relaxation—Pertinacity 195
Denial—the *Negativo* 198
Partial confession—the *Diminuto* 199
The Dogmatizer or Heresiarch 200
Relapse 202
Disappearance of relaxation 208

Chapter V—The Auto de Fe.

Impressiveness of the *Auto Publico General* 209
Preparations and Celebration 213
The *Auto Particular* or *Autillo* 220
It Replaces the General Public Auto 221
Celebration in Churches 224
The Auto de fe as a spectacular Entertainment 227

BOOK VIII—SPHERES OF ACTION.

CHAPTER I—JEWS.

	PAGE
Neglect of Instruction of coerced Converts	231
Slenderness of Proof required for Prosecution	232
Gradual Disappearance of Judaism	234
Influx of Portuguese Judaizers after the Conquest of Portugal	237
Portugal—Treatment of Jewish Refugees	237
João III resolves to introduce the Inquisition	238
Struggle in Rome between João and the New Christians	239
João obtains an unrestricted Inquisition	253
Activity of the Inquisition	259
Tribunal established in Goa but not in Brazil	261
Organization of the Portuguese Inquisition	262
Cases of George Buchanan and Damião de Goes	263
Increased activity after the Spanish Conquest	265
The General Pardon of 1604.	267
The Portuguese New Christians in Spain	270
Active Persecution in Portugal	273
Discussions as to Expulsion	275
Rebellion of 1640—João IV favors the New Christians	280
Padre Antonio Vieira S. J. appeals for them to Rome	284
Innocent XI orders Modifications of Procedure	289
Unabated Prejudice in Spain—Olivares opposes the Inquisition	290
Dread of Jewish Propaganda—Case of Lope de Vera	293
Persistent Persecution of Portuguese	296
Gradual Obsolescence of Jewish Observances	300
Restriction of Emigration or Expulsion	303
Catastrophe of Majorca	305
Recrudescence of Persecution after the War of Succession	308
Extinction of Judaism in Spain	311
Exclusion of Foreign Jews	311
Readmission to Spain under Constitution of 1869	315

CHAPTER II—MORISCOS.

Toleration of the Mudéjares—Capitulations of Granada	317
Talavera and Ximenes in Granada	319
Rising of the Moors—Enforced Conversion	322
Isabella compels Conversion in Castile—Instruction neglected	324

PAGE
Persecution of the new Converts 328
Situation in Granada 331
Oppressive Edict of Philip II in 1567 334
Rebellion of the Moriscos 338
They are deported and scattered—their Prosperity . . . 339
The Moors under the Crown of Aragon 342
Valencia—Coercive Baptism by the Germanía 346
Investigation as to its Extent and Character 348
Decision to enforce Adhesion to the Faith. 351
Charles V gives all Moors the Alternative of Exile or Baptism—they submit 352
The Concordia of 1528 grants them Exemption from the Inquisition 357
The Inquisition disregards the Agreement 358
Fines substituted for Confiscation 360
Activity of the Inquisition—Case of Don Cosme Abenamir . . 362
Futile Efforts at Instruction and Conversion 365
Edicts of Grace—their Failure 371
Intermittent Trials of Moderation 373
Deplorable Condition of the Moriscos—Emigration forbidden . 375
Questions as to Baptism, Marriage, Slaughtering Meat . . . 380
Dangerous Discontent of the Moriscos 382
Ravages of Moorish Corsairs on the Coast 383
Plots with foreign Powers for a Rising 384
Plans to avert the Danger—Expulsion resolved on 388
Its execution in Valencia, September, 1609 393
Expulsion from Granada and Andalusia in January, 1610 . . 398
simultaneously from Castile 399
from Aragon and Catalonia in May, 1610 401
Final rooting out of the *Moriscos antiguos* 403
Expulsion delayed in Murcia until January, 1614 404
Number and Fate of the Exiles 406
Squandering of the Confiscations. 409

CHAPTER III—PROTESTANTISM.

Exaggeration of the Protestant Movement in Spain 411
Pre-Reformation Freedom of Speech—Erasmus 412
First Efforts of Repression, in 1521 413
The Enchiridion of Erasmus—Persecution of Erasmists—of Catholics 414
Protestant Foreigners 421
Native Protestants 423

PAGE
Dr. Egidio and the Seville Protestants—the Protestant Propaganda 424
The Protestants of Valladolid—General Alarm exploited by Valdés 429
The Autos de fe of May 21, and October 8, 1559 437
Prosecutions in Seville—Autos of 1559, 1560, 1562, 1564 and 1565 442
Native Protestantism crushed—Dread of foreign Propaganda and Ideas 448
Few scattering cases of native Protestants 452
Prosecution of Foreigners for real or suspected Protestantism . 457
Obstruction of commercial Intercourse—Treaties with England, Holland and France 462
Exclusion of Foreigners, except in the Army 472
Conversion of foreign Heretics 476

Chapter IV—Censorship.

Censorship originally a Function of the State 480
The Lutheran Revolt leads the Inquisition to assume it in 1521 . 482
Papal power granted in 1539 482
Licences to print issued by the State—Books condemned by the Inquisition 483
The *Index Librorum Prohibitorum* or *Expurgandorum*. 484
Examination of all Libraries and Book-shops 487
Savage law of Philip II in 1558 488
Use of the Edict of Faith and of the Confessional 490
Triviality of Expurgation 491
Divergence between the Inquisition and the Holy See . . . 492
Successive Indexes—of Quiroga, Sandoval, Zapata, Sotomayor, Vidal Marin, Prado y Cuesta and the Indice Ultimo . 493
Practice of Expurgating Books and Libraries—the Escorial . . 497
Vigilant Supervision over Book-shops and Libraries—Estates of the Dead 501
Supervision over Importations and internal Traffic 504
Impediments to Commerce and Culture 508
Precautions against Smuggling—*Visitas de Navíos* 510
Interference with Commerce—The Case of Bilbao . . . 513
Become purely financial—Effort to revive them in 1819 . 519
Licences to read prohibited Books 521
Penalties for Disregard of the Censorship 525
Prohibition of vernacular Bibles 527
Various Abuses of Censorship 530

PAGE

Quarrel with Rome over the *Regalistas*—The Inquisition secures its Independence 533
It turns against the Crown—Carlos III controls its Censorship . 539
Censorship directed against the Revolution. 542
Censorship of Morals and Art. 545
Influence of Censorship 548

APPENDIX—Statistics of Offences and Penalties 551
DOCUMENTS 555

THE INQUISITION OF SPAIN.

BOOK VI. (Continued).

CHAPTER VII.

TORTURE

To the modern mind the judicial use of torture, as a means of ascertaining truth, is so repellant and illogical that we are apt to forget that it has, from the most ancient times, been practised by nearly all civilized nations. With us the device of the jury has relieved the judge of the responsibility resting upon him in other systems of jurisprudence. That responsibility had to be met; a decision had to be reached, even in the most doubtful cases and, where evidence was defective and conflicting, the use of torture as an expedient to obtain a confession, or, by its endurance, to indicate innocence, has seemed, until modern times, after the disuse of compurgation and the judgements of God, to be the only means of relieving the judicial conscience. It was admitted to be dangerous and fallacious, to be employed only with circumspection, but there was nothing to take its place.[1]

That it should be used by the Inquisition was a matter of course, for the crime of heresy was often one peculiarly difficult to prove; confession was sought in all cases and, from the middle of the thirteenth century, the habitual employment of torture by the Holy Office had been the most efficient factor in spreading its use throughout Christendom, at the expense of the obsolescent Barbarian customs. It is true that Spain was loath to admit the innovation. In Castile, which rejected the Inquisition, Alfonso X, notwithstanding his admiration of the Roman law,

[1] "Res est fragilis et periculosa et quæ veritatem fallit."—L. 1, § 23, Dig. XLVIII, xviii.

required that confession must be voluntary and insisted that, if obtained by torture, it must subsequently be freely ratified, without threats or pressure.[1] In the kingdoms of Aragon, which admitted the Inquisition, torture remained illegal, and it was only by the positive commands of Clement V that it was employed, in 1311, on the Templars.[2] By the time that the Spanish Inquisition was organized, however, torture in Castile was in daily use by the criminal courts, and there could be no question as to the propriety of its employment by the Holy Office. In Aragon, Peña tells us that, although it was forbidden in secular jurisprudence, it was freely permitted in matters of faith. Yet its use was jealously watched, for when the aid of torture was sought in the case of a prisoner accused of the murder of a familiar, the Córtes of 1646 complained of it as an unprecedented innovation, which was only prevented by the active intervention of the diputados and viceroy.[3] Valencia had been less rigid in excluding torture from its courts, but so limited its use that, in 1684, the tribunal reported that, in cases of unnatural crime (of which it had cognizance, subject to the condition of trial by secular process), it no longer used torture, because the methods permitted by the fueros were so light that the accused felt no fear of them, and they were useless in extracting confession.[4]

We shall see that occasionally tribunals abused the use of torture, but the popular impression that the inquisitorial torture-chamber was the scene of exceptional refinement in cruelty, of specially ingenious modes of inflicting agony, and of peculiar persistence in extorting confessions, is an error due to sensational writers who have exploited credulity. The system was evil in conception and in execution, but the Spanish Inquisition, at least, was not responsible for its introduction and, as a rule, was less cruel than the secular courts in its application, and confined itself more strictly to a few well-known methods. In fact, we may reasonably assume that its use of torture was less frequent, for its scientific system of breaking down resistance, in its long-drawn procedure, was more effective than the ruder and speedier practice of the secular courts where, as we are told by

[1] Partidas, P. III, Tit. xiii, leyes 4, 5.

[2] See "History of the Inquisition of the Middle Ages," III, 313, 315.

[3] Pegnæ Comment. 110 in Eymerici Director. P. III.—Bibl. nacional, MSS., Mm., 122.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 61.

Archbishop Pedro de Castro of Granada, it was notorious that no one confessed except when overcome by torture.[1]

In this respect, the comparison between the Spanish and the Roman Inquisition is also eminently in favor of the former. We shall have occasion presently to see the limitations which it placed on the use of torture, while in Rome it was the rule that all who confessed or were convicted in matters of faith were tortured for the further discovery of the truth and the revelation of accomplices. In addition to this there were many classes of cases in which torture was employed by Rome to extort confession and in which it was forbidden in Spain—those involving mere presumption of heresy, such as solicitation, sorcery, blasphemy etc. Moreover in Rome the *in arbitrio judicum* applied not only to the kind and duration of the torture but also to its repetition.[2] Spanish writers on practice, therefore, were justified in claiming for their own tribunals a sparing use of torture unknown in Italy, while, as regards its severity, the frequency with which in the trials we find that the accused overcame the torture would indicate that habitually it was not carried to extremity, as it so frequently was in the secular courts. No torture-chamber in the Inquisition possessed the resources of the corregidor who labored for three hours, in 1612, to obtain from Diego Duke of Estrada confession of a homicide—the water torture, the mancuerda, the potro, hot irons for the feet, hot bricks for the stomach and buttocks, garrotillos known as bone-breakers, the trampa to tear the legs and the bostezo to distend the mouth—and all this was an every-day matter of criminal justice.[3]

[1] Pedraza, Hist. eccles. de Granada, fol. 275 (Granada, 1638).

[2] Collectio Decretor. S. Congr. Sti Officii, p. 407 (MS. *penes me*).—Decreta Sac. Congr. Sti Officii, p. 569 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, vol. 3).—Ristretto cerca li Delitti più frequenti nel S. Officio, p. 18, 148 (MS. *penes me*).—Praxis procedendi, Cap. 18, n. 2, 3, 5 (Archivo hist. nacional, Inquisicion de Valencia).

[3] Vida de Don Diego Duque de Estrada (Mem. hist. español, XIII, 55–60. Estrada relates that, after the torture, he paid the executioner two hundred ducats to preserve him from being crippled. The process was very painful, consisting of stretching the limbs and rubbing with an ointment composed of equal parts of fat of man, snake, bear, lion, viper and frog, melted over a slow fire with oil of sweet almonds, of pericon, camomile, rosado and balsam of the East. The treatment was successful.

For a frightful case of torture in Antwerp, as late as 1792, extending at intervals over more than a year, see Eugène Hubert, La Torture dans les Pays-Bas Autrichiens, pp. 124–9 (Bruxelles, 1897).

The indirect torture of especially harsh imprisonment was not unknown to the Inquisition, and was occasionally employed for the purpose of breaking down obstinacy. It was not, as in the medieval Inquisition, prescribed as an ordinary resource, but it was at the discretion of the tribunal and could at any time be brought into play, as in the case of a pertinacious heretic, in 1512, who was consigned to the most noisome part of the prison, and afflicted in various ways, in the hope of enlightening his understanding.[1] In the later period of leisurely action, protracted imprisonment was frequently resorted to, in the hope of inducing repentance and conversion, when wearing anxiety and despair weakened the will as effectually as the sharper agonies of the pulley and rack. There was also the ingenious device, frequently effective, by which the fiscal concluded his formal accusation with a demand that, if necessary, the accused should be tortured until he confessed. This was unknown in the earlier period, but the Instructions of 1561 recommend it, giving as a reason its good results, and also that torture requires a demand from the prosecutor and a notification to the defendant, who is unprepared for it at this stage of the trial.[2] After this it became the universal custom in all cases admitting of torture, and the profound impression produced on the unfortunate prisoner can be readily conceived.

Torture itself, however, was regarded as too serious to be left to the arbitrary temper of a baffled or angry inquisitor, and was preceded by formalities designed to prevent its abuse. It was the last resort when the result of a trial left doubts to be satisfied. After the prosecution and defence had closed, and the consulta de fe had assembled to consider the sentence, if the evidence was too weak for condemnation while the innocence of the accused was not clear, it could adopt a vote to torture and postpone the decision to await the outcome. Even in the ferocity of the early period this deliberateness was frequently observed, although in the reckless haste of procedure it was often omitted. Thus, in the case of Diego García, a priest accused of having said twenty years before, when a boy, that the sacrament was bread, the consulta held two meetings, January 18 and 19, 1490, and finally voted torture. There was no haste however and it was

[1] Archivo de Simancas, Inquisicion, Libro 939, fol. 121.

[2] Instrucciones de 1561, § 21 (Arguello, fol. 30)

not until February 11th that García was exposed to the very moderate water-torture of about a quart of water. No confession was obtained and he was untied, with the protest that he had not been sufficiently tortured, but it was not repeated and, on February 26th, he was acquitted and restored to his fame and honor, though, with the curiously perverse inquisitorial logic, he was made to abjure *de vehementi* and forbidden to celebrate mass for six months.[1] The vote of the consulta however was not universal and, in 1518, the Suprema ordered it to be always observed, but a clause in the Instructions of 1561, reminding inquisitors that they must not inflict torture until after hearing the defence shows how difficult it was to restrain their arbitrary action.[2] Even in the early eighteenth century, in reviewing a summary of cases of Valencia, from 1705 to 1726, the Suprema rebuked the tribunal for torturing Sebastian Antonio Rodríguez without previous consultation, but at this period the consulta de fe was becoming obsolete and everything was centering in the Suprema.[3]

The vote of the consulta was still only preliminary. After it, the accused was brought into the audience-chamber, where all the inquisitors and the episcopal Ordinary were required to be present. He was notified of the decision of the consulta; if he was a *diminuto*, the points in which his confession had failed to satisfy the evidence were pointed out; if a *negativo*, no explanations were necessary; if it was on intention or *in caput alienum* he was made to understand it. He was adjured, in the name of God and the Blessed Virgin, to confess fully, without false evidence as to himself or others and, if this failed to move him, a formal sentence of torture was signed by all the judges and read to him. It recited that, in view of the suspicions arising against him from the evidence, they condemned him to be tortured for such length of time as they should see fit, in order that he might tell the truth of what had been testified against him, protesting that, if in the torture he should die or suffer effusion of blood or mutilation, it should not be attributed to them, but to him for not telling the truth. If the torture was to discover accomplices, care was taken to make no allusion to him and to give him no

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.

[2] Ibidem, Leg. 54, n. 356.—Boletin, XXIII, 335–7.—Instrucciones de 1561, § 50 (Arguello, fol. 34).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 393.

chance of clearing himself, for he was assumed to be already convicted.[1]

Even this sentence was not necessarily a finality for, if the accused offered a new defence, it had to be considered and acted upon before proceeding further.[2] Moreover he had theoretically a right to appeal to the inquisitor-general from this, as from all other interlocutory sentences. This right varied at different times. A ruling by the Suprema, in 1538, appears to indicate that it was granted as a matter of right, but the Instructions of 1561 tell inquisitors that, if they feel scruple, they should grant it, but if satisfied that the sentence is justified they should refuse the appeal as frivolous and dilatory.[3] Still the right to ask it was so fully recognized that, if the accused was not twenty-five years of age and thus a minor, his *curador* or guardian was required to be present, in order to interject an appeal if he saw fit, and I have met with an instance of this in the case of Angela Pérez, a Morisco slave, before the Toledo tribunal in 1575, where it was as usual unsuccessful, for the Suprema confirmed the sentence.[4] Tribunals seem not infrequently to have allowed appeals, but, with the growing centralization in the Suprema, they became superfluous and a formula, drawn up in 1690, directs that no attention be paid to them.[5]

When the indications of guilt were too slender to justify torture, the consulta de fe sometimes voted to threaten torture.[6] Then the sentence was formally drawn up and read to the accused, he was taken to the torture-chamber, stripped and perhaps tied on the *potro* or *escalera*, without proceeding further. A curious case of this was that of Leonor Pérez who, at the age of seventy, was sentenced, May 3, 1634, in Valladolid, to be placed *in conspectu tormentorum*. When stripped, on May 10th, the executioner reported marks of previous torture; the proceedings were suspended and, on May 13th, she admitted that, twenty years before, she had been tortured in Coimbra. On June 14th

[1] Pablo García, Orden de Processar, fol. 27–8.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[3] Archivo de Simancas, Inquisicion, Leg, 939. fol. 113.—Instrucciones de 1561, § 50 (Arguello, fol. 34).

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[5] Archivo de Simancas, Inquisicion, Lib 934.

[6] Simancæ Enchirid., Tit. LII, n. 33.

the sentencé was again executed, but, before being stripped, she confessed to some Jewish beliefs and then fainted. A postponement was necessary and two days later she revoked her confession. The case dragged on and it was not until August 1, 1637 that she was condemned to abjure *de vehementi*, to six years of exile, a fine of two hundred ducats and to be paraded in *vergüenza*, but we still hear of her as in prison, early in 1639.[1] It required strong nerves to endure this threat of torture, with its terrifying formalities and adjurations, and it was frequently effective.

The conditions held to justify torture were that the offence charged was of sufficient gravity, and that the evidence, while not wholly decisive, was such that the accused should have the opportunity of "purging" it, by endurance proportionate to its strength. From the inquisitor's point of view, it was a favor to the accused, as it gave him a chance which was denied to those whose condemnation was resolved upon. This is illustrated by a highly significant case in the Toledo tribunal in 1488. Juan del Rio had lived long in Rome, where he was present in the jubilee of 1475; by the arts of the courtier he won the favor of Sixtus IV and returned to Spain about 1483, loaded with benefices—among them a prebend in the Toledo cathedral—which excited cupidity and enmity. He was an Old Christian, of pure Biscayan descent, who could not be suspected of Judaism, but he was a loose and inconsiderate chatterer; in the Spain which he had left there was much licence, in the Rome where he had so long sojourned there was more; he could not, on his return, accommodate himself to the new order of things, and his reckless talk gave the opportunity of making vacancies of his numerous preferments. The evidence against him was of the flimsiest; the most serious charge was that, when a tenant had been unable to pay rent on account of the Inquisition, he had petulantly wished it at the devil. At a later period he would have had a chance to purge the evidence by the water-torture, but this was not permitted him; he was hurried to the stake as a pertinacious *negativo*, leaving his spoils to those who could grasp them.[2]

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 17, 22, 23.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 176, n. 679.

It was a well-accepted maxim of the civil law that torture should not be employed when the penalty of the crime charged was less severe than the infliction of torture—an equation of suffering which afforded to the doctors ample opportunity of defining the unknown quantity. This was fully accepted by the Inquisition and we are told that torture is not indicated for propositions merely offensive, rash, scandalous or blasphemous, or for the assertion that simple fornication is not a mortal sin, or for heretical blasphemy, or sorcery, or for propositions arising from ignorance, or for bigamy or solicitation in the confessional, or for lying under excommunication for a year, or for other matters which infer only light suspicion of heresy, even though for some of these offences the punishment was scourging and the galleys. Torture is freely alluded to as an irreparable injury the use of which would be unjustifiable in such matters.[1]

This, however, was, like everything else in this nebulous region, open to considerable laxity in application. When Francisco de Tornamira, a boy of eighteen and page of the Duke of Pastrana, was tried in 1592, on the charge of having said that Jews and Moors could be saved if they had faith in their respective beliefs, he denied and was tortured till he confessed, and then the triviality of his offence was admitted by subjecting him only to abjuration *de levi*, to hearing a mass as a penitent in the audience-chamber, and to a reprimand. The same tribunal in 1579, tried Stefano Grillen, an Italian, who, in a discussion with some chance fellow-travellers, maintained that the miracles at the shrines of Our Lady of Atocha and of la Caridad were wrought by the Virgin herself and not by her images. He freely confessed but was tortured—apparently on intention—and was dismissed with the same trivial punishment as Tornamira.[2] Even more suggestive is the case of Juan Pereira, a boy of fifteen, tried, in 1646, for Judaism at Valladolid. The proceedings were dilatory and he gradually became demented; nothing could be done with him and opinions were divided as to the reality of his insanity. The Suprema was applied to and sagely ordered torture to find out. It was administered, April 22, 1648, but the method of diagnosis was not as successful as its ingenuity deserved and, in August, he was sent to a hospital

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 299, fol. 80; Leg. 61.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 342

[2] MSS. of Library of Univ. of Halle, YC, 20. T. I

for six months, with instructions to observe him carefully. As his name after this disappears from the records, he probably died in the hospital.[1] It is evident that the Inquisition did not take to heart the warning issued by the Suprema, in 1533, that torture was a very delicate matter.[2]

When we come to inquire as to the character of evidence requiring torture for its elucidation, we find how illusory were all the attempts of the legists to lay down absolute rules, and how it all ended in leaving the matter to the discretion of the tribunal. As confession, though desired, was not essential to conviction, the *negativo* who was convicted on sufficient evidence was not to be tortured, but was to be relaxed. Even this rule, however, could be set aside at the caprice of the judge, though he was warned, in such cases, to put on record a protest that he did not direct the torture against the matters that had been proved, for the very good reason that endurance of torture might purge them and nullify the proof.[3] It was impossible to reduce to a logical formula that which in its essence was illogical, or to frame an accurate definition of evidence that was insufficient for conviction yet sufficient for torture. It was easy to say that *semiplena* evidence suffices, but what was semiplena? One authority will tell us that a single witness, even an accomplice, justifies torture, another that three accomplice witnesses are requisite. One impartial and unexceptionable witness, again, is sometimes held to require public fame as an adjuvant, but the records are full of cases in which torture was employed on the unsupported testimony of a single witness. The weight of other more or less confirmatory evidence was also keenly debated, without reaching substantial agreement—whether flight before arrest, or breaking gaol, or vacillation and equivocation when examined, or even pallor, was sufficient justification.[4] It is not surprising, therefore, that, as a practical result, we are told that

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 36

[2] Ibidem, Lib. 939, fol 110

Lib. 4).

[3] Elucidationes Sti Officii, § 21 (Archivo de Alcalá, Hacienda, Leg. 244.[3]

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—Elucidationes Sancti Officii, § 22 (*ubi sup.*).—Bibl. nacional, MSS., V, 377, Cap. ii, §§ 3, 4; Cap. v, § 4.—Pegnæ Comment. 110 in Eymerici Direct. P. III.—Simancæ de Cath. Institt. Tit. LXV, n. 23–34; Ejusd. Enchirid. Tit. LIII, n. 17, 19.—Archivo de Simancas, Inquisicion, Lib. 933.

all these questions must be left to the discretion of the judge, to be decided in each individual case.[1] Under such conditions it would be useless to expect consistency of practice in all tribunals and at all periods. We have seen above that cases were sometimes suspended because evidence had not been ratified, yet the Toledo tribunal, in 1584, tortured Lope el Gordo for that very reason, because the chief witness against him had not ratified his testimony, and it is satisfactory to add that Lope endured the torments and thus earned suspension of his case.[2]

The *diminuto*, whose confession did not cover all the adverse evidence, was, according to rule, to be tortured in order to account for the deficiency. If he endured without further admission, he was to be punished on the basis of what he had confessed, but if he did not thus purge the evidence, he was to be sent to the galleys. This was sometimes done in mere surplusage, apparently to gratify the curiosity of the tribunal, as in the Toledo case of Antonio de Andrada, in 1585, who confessed what was amply sufficient for his punishment, but, as there were some omissions, was tortured to elucidate them. In the seventeenth century, however, we are assured that there was much caution used in torturing diminutos, and that it was not done unless the omitted matters were such as to call for relaxation. If they concerned accomplices, however, whom the culprit was suspected of shielding, he was tortured *in caput alienum*. Retraction or vacillation of confession necessarily required torture to reconcile the contradiction; this occurred chiefly with timid persons, frightened by the demand of the fiscal for torture, and thus led to make admissions which they subsequently recalled, thus bringing upon themselves what they had sought to avoid.[3] The question of intention, in the performance of acts in themselves indifferent, was, as we have seen, the frequent occasion of torture, as there was no other means known to the jurisprudence of the period, which was bent on ascertaining the secrets of the offender's mind.

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—Pegnæ, *loc. cit.*—Simancæ de Cath. Institt., *loc. cit.*

[2] MSS. of Library of Univ. of Halle, Yc, 20. T. I.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., Pp, 28; Ibidem, V, 377, Cap. ii, §§ 6, 7; Cap. v.

Yet it is possible that in some cases, when torture appears to be pure surplusage, there may have been the kindly intention of contributing to the salvation of the sufferer, by inducing or confirming his conversion; for habitual persecution for the greater glory of God induced a state of mind precluding all rational intellectual processes, where the faith was concerned. Thus Rojas tells us that there should be no hesitation in the use of torture, when the salvation of the culprit's soul was involved, so that he might be reconciled to the Church and undergo penance through which he might be saved.[1] This reasoning was urged in the case of Réné Perrault, in 1624, by some of the consultores of the tribunal of Toledo. His crime of maltreating the Host was public and unquestionable, but he had varied in his statements as to his faith; the consulta de fe was unanimous in ordering torture to discover possible accomplices, but some of the members desired a special additional torture in order to confirm him in the faith and save his soul.[2]

That witnesses should be tortured, in order to obtain or confirm their testimony, is an abuse which, repulsive as it may seem to us, has been, with more or less disguise, a practice wherever torture has been used. It is true that the Roman law prohibited that one who had admitted his own guilt should be examined as to that of another, and this principle, adopted in the False Decretals, became a part of the early canon law.[3] The Inquisition, however, regarded the conviction of a heretic as only the preliminary to forcing him to denounce his associates; the earliest papal utterance, in 1252, authorizing its use of torture, prescribed the employment of this means to discover accomplices and finally Paul IV and Pius V decreed that all who were convicted and confessed should, at the discretion of the inquisitors, be tortured for this purpose.[4] The *question préalable* or *définitive*, in which the convict was tortured to make him reveal his associates, became, through the influence of the Inquisition, a part of the criminal jurisprudence of all lands in which torture was

[1] Rojas de Hæret., P. I, n. 374.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. VI.

[3] Const. 17, Cod. IX, ii.—Pseudo-Julii Epist. II, Cap. xviii.—Gratiani Decret. P. II, Caus. v, q. 3, c. 5.

[4] Innocent. P P. IV Bull. *Ad extirpanda*, § 26 (Bullar. Roman. I, 91).—Locati Opus judiciale Inquisitor. p. 477 (Romæ, 1570).

employed. It was, in reality, the torture of witnesses, for the criminal's fate had been decided, and he was thus used only to give testimony against others.

The Spanish Inquisition was, therefore, only following a general practice when it tortured, *in caput alienum*, those who had confessed their guilt. No confession was accepted as complete unless it revealed the names of those whom the penitent knew to be guilty of heretical acts, if there was reason to suspect that he was not fully discharging his conscience in this respect, torture was the natural resort. Even the impenitent or the relapsed, who was doomed to relaxation, was thus to be tortured and was to be given clearly to understand that it was as a witness and not as a party, and that his endurance of torture would not save him from the stake. The Instructions of 1561, however, warn inquisitors that in these cases much consideration should be exercised and torture *in caput alienum* was rather the exception in Spain, than the rule as in Rome.[1] In the case of the *negativo*, against whom conclusive evidence was had, and who thus was to be condemned without torture, the device of torturing him against his presumable accomplices afforded an opportunity of endeavoring to secure his own confession and conversion. We have seen this fail, in 1596, in the Mexican case of Manuel Diaz, nor was it more successful in Lima, in 1639, with Enrique de Paz y Mello, although the final outcome was different. He persistently denied through five successive publications of evidence, as testimony against him accumulated in the trials of his associates. He was sentenced to relaxation and torture *in caput alienum;* it was administered with great severity without overcoming his fortitude, and he persisted through five other publications as fresh evidence was gathered. Yet at midnight before the auto de fe, in which he was to be burnt, he weakened. He confessed as to himself and others and his sentence was modified to reconciliation and the galleys, while good use was made of his revelations against thirty of his accomplices.[2]

The torture of witnesses who were not themselves under trial was permitted when they varied or retracted, or so contradicted other witnesses that it was deemed necessary thus to ascertain

[1] Praxis procedendi, Cap, 18, n. 16–21 (Archivo hist. nacional, Inquisicion de Valencia).—Simancæ Enchirid. Tit. LII, n. 31.—Instrucciones de 1561, § 45 (Arguello, fol. 33).

[2] Archivo de Simancas, Inquisicion, Lib. 812, Lima, fol. 20–24.

the truth; but whether clerical witnesses could be so treated was a subject of debate. As a rule torture in such cases was directed to be moderate, neither light nor excessive, but when testimony was revoked it could be repeated up to three inflictions.[1] As we have seen above (Vol. II, p. 537) slaves testifying in the cases of their masters could always be tortured if necessary to confirm their evidence. In the prosecution of Juan de la Caballería, in 1488, as accessory to the murder of San Pedro Arbués, his slave-girl Lucía gave compromising evidence which she was persuaded to retract, with the result that she was twice tortured and confirmed it.[2]

Like *majestas*, in heresy there were no privileged classes exempt from torture. Nobles were subject to it and so were ecclesiastics of all ranks, but the latter were to be tortured less severely than laymen, unless the case was very grave, and they were entitled to a clerical torturer if one could be found to perform the office. As in their arrest, so in torture the sentence, by a carta acordada of 1633, had to be submitted to the Suprema for confirmation.[3]

As regards age, there seems to have been none that conferred exemption. Llorente, indeed, in describing a case in which a woman of ninety was tortured at Cuenca, says that this was contrary to the orders of the Suprema which prescribed that the aged should only be placed *in conspectu tormentorum*,[4] but I have never met with such a rule. In 1540 the Suprema ordered that consideration should be given to the quality and age of the accused and, if advisable, the torture should be very moderate, while the Instructions of 1561, which are very full, impose no limit of age and leave everything to the discretion of the tribunal.[5] Cases are by no means infrequent in which age combined with infirmity is given as a reason for omitting torture or inflicting it with moderation, but age alone offered no exemption. At a Toledo auto de fe we find Isabel Canese, aged seventy-eight,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 61.—Praxis procedendi, Cap. 18, n. 13 (Ibidem).

[2] Bibl. nationale de France, fonds espagnol, n. 81.

[3] Pegnæ Comment. 110 in Eymerici Director. P. III.—Simancæ de Cath. Institt. Tit. LXV, n. 50.—MSS. of Royal Library of Copenhagen, 218ᵇ, p. 269.

[4] Llorente, Hist. crít., Cap. XVIII, Art. 1, n. 24.

[5] Archivo de Simancas, Inquisicion, Lib. 939, fol. 110.—Instrucciones de 1561, §§ 48–55 (Arguello, fol. 33–4).

who promptly confessed before the torture had proceeded very far, and Isabel de Jaen, aged eighty who, at the fifth turn of the cords fainted and was revived with difficulty.[1] In 1607, at Valencia, Jaime Chuleyla, aged seventy-six, after confessing certain matters, was accused by a new witness of being an alfaquí; this he denied and was duly tortured.[2]

Not much more respect was paid to youth. In 1607, at Valencia, Isabel Madalena, a girl of thirteen, who was vaguely accused of Moorish practices, was tortured, overcame the torture and was penanced with a hundred lashes. In the same year that tribunal showed more consideration for Joan de Heredia, a boy of ten or eleven, whom a lying witness accused of going to a house where Moorish doctrines were taught. On his steadfast denial, he was sentenced to be placed *in conspectu tormentorum*, which was carried out in spite of an appeal by his procurator, but he persisted in asserting his innocence and the case was suspended.[3] Mental incapacity, short of insanity, was not often allowed exemption and it is creditable to the Valencia tribunal that when, about 1710, the Suprema ordered the torture of Joseph Felix, for intention with regard to certain propositions, it remonstrated and represented that he was too ignorant to comprehend the object of the torture.[4]

It was a universal law that torture should not endanger life or limb and, although this was often disregarded when the work was under way, it called for a certain amount of preliminary caution to see that the patient was in condition promising endurance—caution admitted in theory but not always observed in practice. When there was doubt, the physician of the Inquisition was sometimes called in, as in the case of Rodrigo Pérez, at Toledo, in 1600, who was sick and weak, and the medical certificate that torture would endanger health and life sufficed to save him, but the Suprema was not so considerate when, in 1636, it ordered the Valencia tribunal to torture Joseph Pujal before transferring him to the hospital, as was done afterwards on account

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Archivo hist. nacional. Inquisicion de Valencia, Leg. 2, n. 10, fol. 74.

[3] Ibidem, Leg. 2, n. 7, fol. 5; n. 10, fol. 37. 79.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 346.

of his illness.[1] Pregnancy has always been deemed a sufficient reason for at least postponing the infliction, but the Madrid tribunal, in instructions of 1690, only makes the concession of placing pregnant women on a seat, in place of binding them on the rack, while applying the exceedingly severe torture of the *garrote*—sharp cords, two on each arm and two on each leg, bound around the limb and twisted with a short lever.[2] Hernia was regarded, at least in the earlier time, as precluding torture, and I have met with several cases in which it served to exempt the patient but, in 1662, the official instructions of the Suprema order that no exceptions be made on that account, save the omission of the *trampazo vigoroso*, which causes downward strain; in the other tortures a good strong truss suffices to avert danger and it should always be kept on hand in readiness for such subjects.[3] In accordance with this the Madrid tribunal in 1690, orders for hernia cases the use of the seat provided for pregnant women. As regards women who were suckling, there seems to have been no established rule. In 1575, when the Valencia tribunal proposed to torture María Gilo, the physician who was called in reported that it would expose the child to imminent risk and the purpose was abandoned. In 1608, however, at Toledo, when the same question arose in the case of Luisa de Narvaez, the consulta voted in discordia and the Suprema ordered her to be tortured.[4]

Besides these generalities, there were occasional special cases in which torture was abandoned in consequence of the condition of the patient—heart disease, excessive debility, repeated faintings during the administration and other causes. The physician and the surgeon were always called in, when the prisoner was stripped, to examine him and they were kept at hand to be summoned in case of accident. The tribunals seem to have been more tender-hearted than the Suprema which, in its instructions of 1662, reproved inquisitors who avoid sentencing to torture on account of weakness or of a broken arm. This, it says, is not proper, because it forfeits the opportunity of obtaining con-

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 102, 148.

[2] Archivo de Simancas, Inquisicion, Lib. 934.

[3] Ibidem, Lib. 977, fol. 267.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 396.—MSS. of Library of Univ. of Halle, Yc, 20. T. I.

fession in the various preliminaries of reading the sentence, carrying to the torture-chamber, stripping him and tying him to the trestle; besides, after commencing, the torture is always to be stopped when the physician so orders.[1] There was another salutary precaution—that there should be a proper interval between the last meal and the torture. About 1560, Inquisitor Cervantes says that the patient is not to have food or drink on the evening before or on the morning of the infliction and, in 1722, a writer specifies eight hours for the preliminary fasting.[2]

In the administration of torture, all the inquisitors and the episcopal representative were required to be present, with a notary or secretary to record the proceedings. No one else save the executioner was allowed to be present, except when the physician or surgeon was called in. In the earlier period, there was some trouble in providing an official to perform the repulsive work. An effort seems to have been made to compel the minor employees to do it but with doubtful success. Ferdinand, in a letter of July 22, 1486, to Torquemada, complains that the inquisitors of Saragossa had employed a torturer because the messengers had refused to do the work, and he suggests that a messenger be discharged and the torturer serve in his place without increase of salary; if this cannot be done the salary should be reduced. No salaried torturer appears in the pay-rolls; the duties were not constant and doubtless when wanted proper functionaries were called in and paid—but there is suggestiveness in a letter of Ferdinand, in 1498, ordering the restoration of a certain Pedro de Moros, who had been dropped, to serve as messenger and "for such other duties as the inquisitors might order" at five hundred sueldos a year.[3] At one time the alcaide of the prison seems to have been the official torturer for, in 1536, the Suprema writes to the inquisitors of Navarre that, if their alcaide is not skilled in the business, they must find some one who is, and not work the implements themselves, as they seem to have done, for it is not befitting the dignity of their persons or office.[4] In

[1] Archivo de Simancas, Inquisicion, Lib. 934.

[2] Ibidem, *loc. cit.*—Praxis procedendi, Cap. 18, n. 29 (Archivo hist. nacional, Inquisicion de Valencia).

[3] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 102.—Archivo de Simancas, Inquisicion, Lib. I.

[4] Archivo de Simancas, Inquisicion, Lib. 78, fol. 56.

1587, at Valencia, we hear that the messenger and portero served as assistants and the Suprema ordered the work to be entrusted to a confidential familiar.[1] Eventually however the tribunals employed the public executioner of the town, who was skilled in his vocation. When, in 1646, at Valladolid, Isabel López was ordered to be tortured on November 23d, the alcaide reported that the public functionary was absent and the time of his return was uncertain; the torture was necessarily postponed and, on the 27th, Isabel took it into her head to confess and thus escaped the infliction.[2] In Madrid, from March to August, 1681, Alonso de Alcalá, the city executioner, was paid by the tribunal forty-four ducats, for eleven torturings, at four ducats apiece.[3] It seems strange that objection should be made to the torturer being disguised but, in 1524, the Suprema forbade him to wear a mask or to be wrapped in a sheet; subsequently he was permitted to wear a hood and to change his garments and, in the seventeenth century, a mask and other disguise were permissible, if it were thought best that he should not be recognized.[4]

At every stage in the preliminaries, after reading the sentence, taking the prisoner down to the torture-chamber, calling in the executioner, stripping the prisoner and tying him to the trestle, there was a pause in which he was solemnly adjured to tell the truth for the love of God, as the inquisitors did not desire to see him suffer.[5] The exposure of stripping was not a mere wanton aggravation but was necessary, for the cords around the thighs and arms, the belt at the waist with cords passing from it over the shoulders from front to back, required access to every portion of the body and, at the end of the torture, there was little of the surface that had not had its due share of agony. Women as well as men were subjected to this, the slight concession to decency being the *zaragüelles* or *paños de la vergüenza*, a kind of abbreviated bathing-trunks, but the denudation seems to have been complete before these were put on.[6] The patient

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 3, fol. 143.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 35.

[3] Ibidem, Leg. 1480, fol. 13. In the accounts these are mostly described discreetly as "diligencias secretas."

[4] Ibidem, Lib. 939, fol. 110.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[5] Archivo de Simancas, Inquisicion, Lib. 934.

[6] Thus in the trial of Isabel de Montoya, after she is stripped "luego se le mandaron poner los paños de la vergüenza" (MS. *penes me*).

was admonished not to tell falsehoods about himself or others and, during the torture, the only words to be addressed to him were "Tell the truth." No questions were to be put and no names mentioned to him, for the reason, as we are told, that the sufferers in their agonies were ready to say anything that was in any way suggested, and to bear false-witness against themselves and others. The executioner was not to speak to the patient, or make faces at him, or threaten him, and the inquisitors should see that he so arranged the cords and other devices as not to cause permanent crippling or breaking of the bones. The work was to proceed slowly with due intervals between each turn of the *garrotes* or hoist in the *garrucha*, or otherwise the effect was lost, and the patient was apt to overcome the torture.

It was a universal rule that torture could be applied only once, unless new evidence supervened which required purging, but this restriction was easily evaded. Though torture could not be repeated, it could be continued and, when it was over, the patient was told that the inquisitors were not satisfied, but were obliged to suspend it for the present, and that it would be resumed at another time, if he did not tell the whole truth. Thus it could be repeated from time to time as often as the consulta de fe might deem expedient.[1] The secretary faithfully recorded all that passed, even to the shrieks of the victim, his despairing ejaculations and his piteous appeals for mercy or to be put to death, nor would it be easy to conceive anything more fitted to excite the deepest compassion than these cold-blooded, matter-of-fact reports.

As for the varieties of torture currently employed, it must be borne in mind that the Inquisition largely depended on the public executioners, and its methods thus were necessarily identical with those of the secular courts; while even when its own officials performed the duty, they would naturally follow the customary routine. The Inquisition thus had no special refinements of torture and indeed, so far as I have had opportunity of investigation, it confined itself to a few methods out of the abundant repertory of the public functionaries.

In the earlier period only two tortures were generally in vogue—the *garrucha* or pulleys and the water-torture. These are the

[1] Instrucciones de 1561, § 49 (Arguello, fol. 34).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

only ones alluded to by Pablo García and both of them were old and well-established forms.[1] The former, known in Italy as the *strappado*, consisted in tying the patient's hands behind his back and then, with a cord around his wrists, hoisting him from the floor, with or without weights to his feet, keeping him suspended as long as was desired and perhaps occasionally letting him fall a short distance with a jerk. About 1620 a writer prescribes that the elevating movement should be slow, for if it is rapid the pain is not lasting; for a time the patient should be kept at tiptoe, so that his feet scarce touch the floor; when hoisted he should be held there while the psalm Miserere is thrice repeated slowly in silence, and he is to be repeatedly admonished to tell the truth. If this fail he is to be lowered, one of the weights is to be attached to his feet and he is to be hoisted for the space of two Misereres, the process being repeated with increasing weights as often and as long as may be judged expedient.[2]

The water-torture was more complicated. The patient was placed on an *escalera* or *potro*—a kind of trestle, with sharp-edged rungs across it like a ladder. It slanted so that the head was lower than the feet and, at the lower end was a depression in which the head sank, while an iron band around the forehead or throat kept it immovable. Sharp cords, called *cordeles*, which cut into the flesh, attached the arms and legs to the side of the trestle and others, known as *garrotes*, from sticks thrust in them and twisted around like a tourniquet till the cords cut more or less deeply into the flesh, were twined around the upper and lower arms, the thighs and the calves; a *bostezo*, or iron prong, distended the mouth, a *toca*, or strip of linen, was thrust down the throat to conduct water trickling slowly from a *jarra* or jar, holding usually a little more than a quart. The patient strangled and gasped and suffocated and, at intervals, the toca was withdrawn and he was adjured to tell the truth. The severity of the infliction was measured by the number of jars consumed, sometimes reaching to six or eight. In 1490, in the case of the priest Diego García, a single quart satisfied the inquisitors and he was acquitted.[3] In the Mexican case of Manuel Díaz, in 1596,

[1] Pablo García, Orden de Processar, fol. 29.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.—In the record there is on the margin a rude outline of the *escalera*, thus ⊤⊤⊤⊤⊤⊤⊤

the cordeles were applied; then seven garrotes were twisted around arms and legs, the toca was thrust down his throat and twelve jarras of a pint each were allowed to drip through it, the toca being drawn up four times during the operation. In the Toledo case of Marí Rodríguez, in 1592, the operation was divided, the cordeles being applied while she was seated on the *banquillo*, and were given eight turns; she was then transferred to the trestle, and the garrotes were used, followed by the water; at the second jarra she vomited profusely; she was untied and fell to the floor. The executioner lifted her up and put on her chemise; she was told that if she would not tell the truth the torture would be continued; she protested that she had told the truth and it was suspended. For nine months she was left in her cell, then the consulta de fe voted to suspend the case and she was told to be gone in God's name.[1]

It was probably not long after this that these forms of torture gradually fell into disuse and were replaced by others which apparently were regarded as more merciful. In 1646 the Suprema applied to the tribunal of Córdova for information concerning the garrucha and silla and for a description of the *trampa* and *trampazo* which it used, with an estimate of their severity. The tribunal replied that the silla had been abandoned because it could scarce be called a torture and the garrucha on account of the danger of causing dislocations. For more than thirty years the tribunal, as well as the secular courts, had discontinued its use as also the brazier of coals, heated plates of metal, hot bricks, the toca with seven pints of water, the *depiñoncillo*, *escarabajo*, *tablillas*, *sueño* and others. The methods in use were the cordeles and garrotes, of which there were three kinds, the *vuelta de trampa*, the *mancuerda* and stretching the accused in the *potro* or rack.

The letter proceeds to describe at great length and in much detail these somewhat complicated processes. In abandoning the pulleys and the water-jar, the patient gained little. He was adjusted for torment by a belt or girdle with which he was swung from the ground; his arms were tied together across his breast and were attached by cords to rings in the wall. For the trampa or trampazo the ladder in the potro had one of its rungs removed

[1] Proceso contra Manuel Diaz; Proceso contra Marí Rodríguez (MSS. *penes me*).

so as to enable the legs to pass through; another bar with a sharp edge was set below it and through this narrow opening the legs were forcibly pulled by means of a cord fastened around the toes with a turn around the ankle. Each *vuelta*, or turn given to the cord, gained about three inches; five vueltas were reckoned a most rigorous torture, and three were the ordinary practice, even with the most robust. Leaving him stretched in this position, the next step was the mancuerda, in which a cord was passed around the arms, which the executioner wound around himself and threw himself backward, casting his whole weight and pushing with his foot against the potro. The cord, we are told, would cut through skin and muscle to the bone, while the body of the patient was stretched as in a rack, between it and the cords at the feet. The belt or girdle at the waist, subjected to these alternate forces was forced back and forth and contributed further to the suffering. This was repeated six or eight times with the mancuerda, on different parts of the arms, and the patients usually fainted, especially if they were women.

After this the potro came in play. The patient was released from the trampa and mancuerda and placed on the eleven sharp rungs of the potro, his ankles rigidly tied to the sides and his head sinking into a depression where it was held immovable by a cord across the forehead. The belt was loosened so that it would slip around. Three cords were passed around each upper arm, the ends being carried into rings on the sides of the potro and furnished with garrotes or sticks to twist them tight; two similar ones were put on each thigh and one on each calf, making twelve in all. The ends were carried to a *maestra garrote* by which the executioner could control all at once. These worked not only by compression but by travelling around the limbs, carrying away skin and flesh. Each half round was reckoned a *vuelta* or turn, six or seven of which was the maximum, but it was usual not to exceed five, even with strong men. Formerly the same was done with the cord around the forehead, but this was abandoned as it was apt to start the eyes from their sockets. All this, the Cordova tribunal concludes, is very violent, but it is less so and less dangerous than the abandoned methods.

These remained practically the tortures in use. In 1662 the Suprema, in ordering the tribunal of Galicia to "continue" the torture of Antonio Méndez, called upon it to report as to its manner of administering torture. Its answer of May 13th shows

that it was using the mancuerda and potro, though after a somewhat primitive fashion. To this, by order of the Suprema, Gonzalo Bravo replied, May 22d with elaborate instructions, especially as to the trampazo, indicating that substantially the methods described by Córdova were recognized officially. Galicia appears to have puzzled over this until September 19th, when it apologized for its lack of experience and asked for detailed plans and drawings of the form of potro required. It is fairly presumable from all this that thenceforward these new methods were adopted in all the tribunals.[1]

There was and could be no absolute limitation on the severity of torture. The Instructions of 1561 say that the law recognizes it as uncertain and dangerous in view of the difference in bodily and mental strength among men, wherefore no certain rule can be given, but it must be left to the discretion of judges, to be governed by law, reason and conscience.[2] All that Gonzalo Bravo can say, in the Instructions of 1662, is that its proper regulation determines the just decision of cases, and the verification of truth; the discretion and prudence of the judges must look to this, tempered by the customary compassion of the Holy Office, in such way that it shall neither exceed nor fall short. How this discretion was exercised depended wholly on the temper of the tribunal. One authority tells us that torture should never be prolonged more than half an hour, but the cases are numerous in which it lasted for two and even three hours. In that of Antonio López, at Valladolid, in 1648, it commenced at eight o'clock and continued until eleven, leaving him with a crippled arm; in a fortnight he endeavored to strangle himself, and he died within a month.[3] Such cases were by no means rare. Gabriel Rodríguez, at Valencia, about 1710, was tor-

[1] I owe a copy of the Córdova letter and Galicia correspondence to the kindness of the late General Don Vicente Riva Palacio of Mexico. Their existence there would indicate that they were sent to all the tribunals. The 1662 instructions of the Suprema are in the Simancas archives, Inquisicion, Lib. 934; Lib. 977, fol. 267.

[2] Instrucciones de 1561, § 48 (Arguello, fol. 33).

[3] Praxis procedendi, Cap. 18, n. 29 (Archivo hist. nacional, Inquisicion de Valencia).—Archivo de Simancas, Inquisicion, Leg. 552, fol. 36.

Paul III when regulating, in 1548, criminal practice in Rome forbade torture prolonged for an hour or more, or that it should be interrupted for dinner or supper.—Pauli PP. III Const. *Ad onus Apostolicæ*, § 6 (Bullar. I. 776).

tured thrice and condemned to the galleys, but this was commuted on finding that he was crippled "por la violencia de la tortura."[1] Nor was death by any means unknown. In 1623, Diego Enríquez, at Valladolid, was tortured December 13th. In the process an "accident" occurred and he was carried to his cell. On the 15th the physician reported that he should be removed to a hospital, which was done with the greatest secrecy and he died there. There is something hideously suggestive in such a matter of fact record as that of Blanca Rodríguez Matos, at Valladolid, which simply says that she was voted to torture, May 21, 1655, and it having been executed she died the same day; the case was continued against her fame and memory and, in due course, was suspended, November 19th.[2]

The very large number of cases recorded in which the accused overcame the torture without confession would argue that it was frequently light. This is doubtless true to a great extent, but the surprising endurance sometimes displayed shows that this was not always the case. Thus Tomás de Leon, at Valladolid, November 5, 1638, was subjected to all the successive varieties and overcame them, although at the end it was found that his left arm was broken. So, in 1643, in the same tribunal, Engracia Rodríguez, a woman sixty years of age, had a toe wrenched off while in the *balestilla*. Nevertheless the torture proceeded until, in the first turn of the mancuerda, an arm was broken. It then was stopped without having extorted a confession, but her fortitude availed her little, for fresh evidence supervened against her and, some ten months later, she confessed to Jewish practices. Another of the same group, Florencia de Leon, endured the balestilla, three turns of the mancuerda and the potro without confessing, but she did not escape without reconciliation and prison.[3]

The process and its effects on the patient can best be understood from the passionless business-like reports of the secretary, in which the incidents are recorded to enable the consulta de fe to vote intelligently. They are of various degrees of horror and I select one which omits the screams and cries of the victim that are usually set forth. It is a very moderate case of water-torture,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 436.
[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 2, 40.
[3] Ibidem, Leg. 552, fol. 23, 31.

carried only to a single jarra, administered in 1568 by the tribunal of Toledo to Elvira del Campo, accused of not eating pork and of putting on clean linen on Saturdays. She admitted the acts but denied heretical intent and was tortured on intention. On April 6th she was brought before the inquisitors and episcopal vicar and, after some preliminaries, was told that it was determined to torture her, and in view of this peril she should tell the truth, to which she replied that she had done so. The sentence of torture was then read, when she fell on her knees and begged to know what they wanted her to say. The report proceeds:

She was carried to the torture-chamber and told to tell the truth, when she said that she had nothing to say. She was ordered to be stripped and again admonished, but was silent. When stripped, she said "Señores, I have done all that is said of me and I bear false-witness against myself, for I do not want to see myself in such trouble; please God, I have done nothing." She was told not to bring false testimony against herself but to tell the truth. The tying of the arms was commenced; she said "I have told the truth; what have I to tell?" She was told to tell the truth and replied "I have told the truth and have nothing to tell." One cord was applied to the arms and twisted and she was admonished to tell the truth but said she had nothing to tell. Then she screamed and said "I have done all they say." Told to tell in detail what she had done she replied "I have already told the truth." Then she screamed and said "Tell me what you want for I don't know what to say." She was told to tell what she had done, for she was tortured because she had not done so, and another turn of the cord was ordered. She cried "Loosen me, Señores and tell me what I have to say: I do not know what I have done, O Lord have mercy on me, a sinner!" Another turn was given and she said "Loosen me a little that I may remember what I have to tell; I don't know what I have done; I did not eat pork for it made me sick; I have done everything; loosen me and I will tell the truth." Another turn of the cord was ordered, when she said "Loosen me and I will tell the truth; I don't know what I have to tell—loosen me for the sake of God—tell me what I have to say—I did it, I did it—they hurt me Señor—loosen me, loosen me and I will tell it." She was told to tell it and said "I don't know what I have to tell—Señor I did it—I have nothing to tell—Oh my arms! release me and I will tell it." She was asked to tell what she did and said "I don't know, I did not eat because I did not wish to." She was asked why she did not wish to and replied "Ay! loosen me, loosen me—take me from here and I will tell it when I am taken away—I say that I did not eat it." She was told to speak and said "I did not eat it, I don't know why." Another turn was ordered and she said "Señor I did not eat it because I did not wish to—release me and I will tell it." She was told to tell what she had done contrary to our holy Catholic faith. She said "Take me from here and tell me what I have to say—they hurt me—Oh my arms, my arms!" which she repeated

many times and went on "I don't remember—tell me what I have to say —O wretched me!—I will tell all that is wanted, Señores—they are breaking my arms—loosen me a little—I did everything that is said of me." She was told to tell in detail truly what she did. She said "What am I wanted to tell? I did everything—loosen me for I don't remember what I have to tell—don't you see what a weak woman I am?—Oh! Oh! my arms are breaking." More turns were ordered and as they were given she cried "Oh! Oh! loosen me for I don't know what I have to say—Oh my arms!—I don't know what I have to say—if I did I would tell it." The cords were ordered to be tightened when she said "Señores have you no pity on a sinful woman?" She was told, yes, if she would tell the truth. She said, "Señor tell me, tell me it." The cords were tightened again, and she said "I have already said that I did it." She was ordered to tell it in detail, to which she said "I don't know how to tell it señor, I don't know." Then the cords were separated and counted, and there were sixteen turns, and in giving the last turn the cord broke.

She was then ordered to be placed on the potro. She said "Señores, why will you not tell me what I have to say? Señor, put me on the ground —have I not said that I did it all?" She was told to tell it. She said "I don't remember—take me away—I did what the witnesses say." She was told to tell in detail what the witnesses said. She said "Señor, as I have told you, I do not know for certain. I have said that I did all that the witnesses say. Señores release me, for I do not remember it." She was told to tell it. She said "I do not know it. Oh! Oh! they are tearing me to pieces—I have said that I did it—let me go." She was told to tell it. She said "Señores, it does not help me to say that I did it and I have admitted that what I have done has brought me to this suffering —Señor, you know the truth—Señores, for God's sake have mercy on me. Oh Señor, take these things from my arms—Señor release me, they are killing me." She was tied on the potro with the cords, she was admonished to tell the truth and the garrotes were ordered to be tightened. She said "Señor do you not see how these people are killing me? Señor, I did it—for God's sake let me go." She was told to tell it. She said "Señor, remind me of what I did not know—Señores have mercy upon me —let me go for God's sake—they have no pity on me—I did it—take me from here and I will remember what I cannot here." She was told to tell the truth,or the cords would be tightened. She said "Remind me of what I have to say for I don't know it—I said that I did not want to eat it—I know only that I did not want to eat it," and this she repeated many times. She was told to tell why she did not want to eat it. She said, "For the reason that the witnesses say—I don't know how to tell it— miserable that I am that I don't know how to tell it—I say I did it and my God how can I tell it?" Then she said that, as she did not do it, how could she tell it—"They will not listen to me—these people want to kill me—release me and I will tell the truth." She was again admonished to tell the truth. She said, "I did it, I don't know how I did it—I did it for what the witnesses say—let me go—I have lost my senses and I don't know how to tell it—loosen me and I will tell the truth." Then she said "Señor, I did it, I don't know how I have to tell it, but I tell it as the witnesses say—I wish to tell it—take me from here—Señor as the wit-

nesses say, so I say and confess it." She was told to declare it. She said "I don't know how to say it—I have no memory—Lord, you are witness that if I knew how to say anything else I would say it. I know nothing more to say than that I did it and God knows it." She said many times, "Señores, Señores, nothing helps me. You, Lord, hear that I tell the truth and can say no more—they are tearing out my soul—order them to loosen me." Then she said, "I do not say that I did it—I said no more." Then she said, "Señor, I did it to observe that Law." She was asked what Law. She said, "The Law that the witnesses say—I declare it all Señor, and don't remember what Law it was—O, wretched was the mother that bore me." She was asked what was the Law she meant and what was the Law that she said the witnesses say. This was asked repeatedly, but she was silent and at last said that she did not know. She was told to tell the truth or the garrotes would be tightened but she did not answer. Another turn was ordered on the garrotes and she was admonished to say what Law it was. She said "If I knew what to say I would say it. Oh Señor, I don't know what I have to say—Oh! Oh! they are killing me—if they would tell me what—Oh, Señores! Oh, my heart!" Then she asked why they wished her to tell what she could not tell and cried repeatedly "O, miserable me!" Then she said "Lord bear witness that they are killing me without my being able to confess." She was told that if she wished to tell the truth before the water was poured she should do so and discharge her conscience. She said that she could not speak and that she was a sinner. Then the linen toca was placed [in her throat] and she said "Take it away, I am strangling and am sick in the stomach." A jar of water was then poured down, after which she was told to tell the truth. She clamored for confession, saying that she was dying. She was told that the torture would be continued till she told the truth and was admonished to tell it, but though she was questioned repeatedly she remained silent. Then the inquisitor, seeing her exhausted by the torture, ordered it to be suspended.

It is scarce worth while to continue this pitiful detail. Four days were allowed to elapse, for experience showed that an interval, by stiffening the limbs, rendered repetition more painful. She was again brought to the torture-chamber but she broke down when stripped and piteously begged to have her nakedness covered. The interrogatory went on, when her replies under torture were more rambling and incoherent than before, but her limit of endurance was reached and the inquisitors finally had the satisfaction of eliciting a confession of Judaism and a prayer for mercy and penance.[1]

It is impossible to read these melancholy records without amazement that the incoherent and contradictory admissions

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138.

through which the victim, in his increasing agonies, sought to devise some statement in satisfaction of the monotonous command to tell the truth, should have been regarded by statesmen and lawgivers as possessed of intrinsic value. The result was a test of endurance and not of veracity. In one case we find a man of such fibres and nerves that all the efforts of the torturer fail to elicit aught but denial—the cords may rasp through the flesh to the bone and limbs be wrenched to the breaking without affecting his constancy. In another, when a few turns of the garrote have twisted a single cord into his arm—or even at the mere aspect of the torture-chamber, with its grimly suggestive machinery—he will yield and confess all that is wanted as to himself and all the comrades whose names he can recall in the dizziness of his suffering. Yet, with full knowledge of this, for centuries the secular and ecclesiastical courts of the greater part of Christendom persisted in the use of a system which, in the name of justice, perpetrated an infinite series of atrocities.

Yet, as though still more effectually to deprive the system of all excuse, the confession obtained at such cost was practically admitted to be in itself worthless. To legalize it, a ratification was required, after an interval of at least twenty-four hours, to be freely made, without threats and apart from the torture-chamber. This was essential in all jurisdictions, and the formula in the Inquisition was to bring the prisoner into the audience-chamber, where his confession was read to him as it had been written down. He was asked whether it was true or whether he had anything to add or to omit and, under his oath, he was expected to declare that it was properly recorded, that he had no change to make and that he ratified it, not through fear of torture, or from any other cause, but solely because it was the truth. Such ratification was required even when the confession was made on hearing the sentence of torture read or when placed *in conspectu tormentorum*.[1] This was customarily done on the afternoon of the next day, to allow the full twenty-four hours to expire, but there was sometimes a longer interval. Thus, in the case of Catalina Hernández, at Toledo, who confessed on being stripped, July 13, 1541, it was not until the 27th that her

[1] Pablo García, Orden de Processar, fol. 30.

ratification was taken, the inquisitors explaining that press of business had prevented it earlier.[1]

The declaration in the ratification, that it was not made through fear of torture was a falsehood, for, in all jurisdictions, a retraction of the confession called for a repetition of torment, and in fact we sometimes find that when the confession was made the prisoner was warned not to retract for, if he did so, the torture would be "continued."[2] This was possibly to evade a singularly humane provision in the Instructions of 1484, to the effect that, if the confession is ratified, the accused is to be duly punished, but if he retracts, in view of the infamy resulting from the trial, he is to abjure publicly the heresy of which he is suspect and be subjected to such penance as the inquisitors may compassionately assign. The mercy of this, however, is considerably modified by a succeeding clause that it is not to deprive them of the right to repeat the torture in cases where by law they can and ought to do so.[3] Still, it was probably the first portion of the provision that guided the Toledo tribunal, in 1528, in the case of Diego de Uceda, on trial for Lutheranism. At the sight of the torture-chamber he broke down and admitted all that the witnesses had testified, but could not remember what it was. As this was evidently inspired by fear, the torture went on when, at the first turn of the garrote, he inculpated himself so eagerly that he was warned not to bear false-witness against himself. He declared it to be the truth and was untied. Before he was called upon to ratify, he asked for an audience in which he ascribed his confession to fear and declared himself ready to die for the faith of the Church, and a week later he ratified this revocation, saying that he was out of his senses under the torture. He was not tortured again and his sentence, some months later, was in accordance with the Instructions of 1484—to appear in an auto de fe, to abjure *de vehementi* and to be fined at the discretion of the inquisitors.[4]

Such cases, however, were exceptional and the regular practice was to repeat the torture, when a confession followed by another

[1] Proceso contra Marí López la Salzeda, fol. 7 (MS. *penes me*).

[2] See the case of Manuel González, at Guadalupe, in 1485 (Boletin, XXIII, 337).

[3] Instrucciones de 1484, § 15 (Arguello, fol. 6).

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 82–5.

revocation, subjected the victim to a third torture.[1] Whether the process could be carried on indefinitely was a doubtful question which some legists answered in the negative on the general philosophic assumption that nature and justice abhorred infinity, but this reasoning, however, academically conclusive, was not respected in practice when a conviction was desired. There was one dissuasive from revocation, which was brought to bear when culprits gave unreasonable trouble, which was the penalty incurred by *revocantes*. This is illustrated, as also the troublesome questions which sometimes perplexed the tribunals, by the case of Miguel de Castro, tried for Judaism, at Valladolid, in 1644. As a negativo, he was tortured and confessed, after which he ratified, revoked and ratified again. A process was commenced against him for revoking; he was tortured again, until an arm was dislocated and he lost two fingers, during which he confessed and then revoked the confession. He would have been tortured a third time had not the physician and surgeon declared him to be unable to endure it. The Suprema ordered him to be relaxed to the secular arm, if he could not be induced to repent and return to the Church, when, under the persuasion of two calificadores, he begged for mercy and confessed as to himself and others. Finally he was sentenced to reconciliation and irremissible prison and sanbenito, with a hundred lashes as a special punishment for revocation, which was executed January 21, 1646.[2]

Some culprits, we are told, cunningly took advantage of the opportunity of retraction, by confessing at once, as soon as subjected to torture, then recanting and repeating this process indefinitely, to the no small disgust of the inquisitors. A writer of the close of the seventeenth century, who mentions this, shows that the subject was then in an indeterminate condition, by suggesting as a remedy that they should be subjected to extraordinary penalties.[3] A case at Cuenca, in 1725, in which these tactics were successful, indicates that by that time a third torture was not recognized as lawful. Dr. Diego Matheo López

[1] Simancas (De Cath. Instt. Tit. LXV, n. 81) pronounces decidedly against a third torture, though he says that many authorities favor it and I have met with such cases, *e. g.*, Manuel Henríquez at Toledo in 1585 (MSS. of Library of Univ. of Halle, Yc, 20, T. I.).

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 33.

[3] Elucidationes S^{ti} Officii, § 22 (Archivo hist. nacional, Leg. 544^{2}, Lib. 4).

Zapata, as soon as the torturer was ready to begin, exclaimed that he was ready to confess, and made a detailed confession of Judaic practices followed for nearly fifty years. The next day he revoked and, when the torture was resumed, he repeated his confession, only to revoke it as before. The tribunal appears to have been powerless and contented itself with making him appear in an auto de fe as a penitent, with a sanbenito to be immediately removed, abjuration *de vehementi* and twenty years' exile from Cuenca, Murcia and Madrid.[1] At an earlier period he would scarce have escaped without scourging, galleys and irremissible prison.

When torture was administered, without eliciting a confession, the logical conclusion, if torture proved anything, was that the accused was innocent. In legal phrase, he had purged the evidence and was entitled to acquittal.[2] Such, indeed, was the law, but there was a natural repugnance to being baffled, or to admit that innocence had been so cruelly persecuted, and excuses were readily found to evade the law. On such a subject there could be no definite line of practice prescribed, and the situation is reflected by the Instructions of 1561, which tell the inquisitor that, in such cases, he must consider the nature of the evidence, the degree of torture employed, and the age and disposition of the accused; if it appears that he has fully purged the evidence, he should be fully acquitted, but if it seems that he has not been sufficiently tortured he can be required to abjure either for light or vehement suspicion, or some pecuniary penalty can be imposed, although this should be done only with great consideration.[3] Thus the matter was practically left to the discretion of the tribunal, with the implied admission that, when torture proved unsuccessful, it was merely surplusage.

The authorities naturally are not wholly at one with regard to the practical applications of these principles—except that acquittal should rarely be granted and, in fact, while the records are full of cases in which torture was overcome, it is somewhat unusual to find the parties acquitted, or their cases even sus-

[1] Bibl. nacional, MSS., Kk, 53.

[2] Simancæ de Cath. Instt. Tit. LXV, n. 74–75.—Elucidationes S^{ti} Officii, § 22 (Archivo de Alcalá, Hacienda, Leg. 544^{2}, Lib. 4)

[3] Instrucciones de 1561, § 54 (Arguello, fol. 34).

pended. About 1600 a writer tells us that these cases are to be treated with some extraordinary penalty or with acquittal or suspension, according to the degree of suspicion that remains, but that Moriscos, however light the suspicion, must appear in an auto de fe and abjure *de vehementi* and, if there has been evidence by single witnesses, they must be sent to the galleys for three years or more; with other culprits, if the suspicion is light, there may be acquittal or suspension, but suspension is the more usual. It all depends upon the degree in which the evidence has been purged by the torture.[1] As this degree was a matter purely conjectural, inquisitorial discretion was unlimited.

The rule as to Moriscos is borne out by the Valencia auto de fe of 1607, in which there appeared sixteen who had overcome the torture, most of whom were visited with imprisonment, scourging or fines.[2] With their expulsion in 1609–10, there was no further call for discrimination, and the general practice is expressed about 1640, by an experienced inquisitor, who tells us that, when there have been several single witnesses, the accused who overcomes the torture should be subjected to some severe extraordinary punishment, such as abjuring *de vehementi*, with confiscation of half his property, or a heavy fine—the latter being preferable as it is more easily collected and the culprit endures it better in order to preserve his credit.[3] That this reflects the current practice would appear from a Cuenca auto de fe, June 29, 1654. Don Andrés de Fonseca had been required to abjure *de vehementi*, at Valladolid in 1628; the evidence of his relapse was strong, but insufficient for conviction; he endured torture without confessing; then further evidence supervened and he was again tortured with the same ill-success; he appeared in the auto as a penitent, abjured *de levi*, with ten years' exile and a fine of five hundred ducats. Doña Theodora Paula had overcome the torture and had abjuration de levi, six years' exile and a fine of three hundred ducats. Doña Isabel de Miranda had been unsuccessfully tortured and was sentenced to two years' exile and three hundred ducats. So, after fruitless torture, Doña Isabel Henríquez had the same punishment, and Manuel Lorenzo Madureyra was sentenced to abjuration *de vehementi*,

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 13, 14, 16, 28, 38, 39, 79.

[3] Bibl. nacional, MSS., V, 377, Cap. 4, § 5.

ten years' exile and five hundred ducats fine.[1] It is to the credit of the Valladolid tribunal that, in 1624, it showed itself more lenient and suspended six cases in which torture proved fruitless, inflicting no punishment except six years of exile on María Pérez, who was charged with false-witness.[2]

Perhaps the frequency with which torture was overcome may be partially explained by bribery of the executioner. This was rendered difficult by the secrecy surrounding all the operations of the tribunals, yet it was possible, and the kindred of one who was arrested would naturally seek to propitiate the minister of justice in case the prisoner should fall into his hands. At a Valencia auto de fe, in 1594, there appeared ninety-six Morisco penitents of whom fifty-three had been tortured without extracting confessions.[3] It may possibly be only a coincidence that, in 1604, Luis de Jesus, the torturer of the tribunal was prosecuted for receiving money from Moriscos, but we may readily imagine that communities, living in perpetual dread of the Inquisition, might tax themselves to subsidize the executioner regularly.[4] A similar case occurs in the Córdova auto of June 13, 1723, in which appeared the executioner, Carlos Felipe, whose offence is discreetly described as fautorship of heretics and unfaithfulness in their favor, in the discharge of his office.[5]

It is a little remarkable that, although the use of torture was so frequent and must have been generally known, there appears to have been a shrinking from admitting it in the sentences publicly read in the autos de fe, which habitually recited the details of the trials—possibly attributable, in part at least, to a desire to preserve secrecy, although it is particularly marked in the early period when secrecy had not become so rigid as it was subsequently. Indeed, in the sentence of Juan González Daza, who confessed under torture in 1484, at Ciudad Real, it is mendaciously asserted that he pertinaciously denied until he learned that his accomplice, Fernando de Theba, had confessed, when he did so freely.[6] This continued as a rule, though occa-

[1] Bibl. nacional, MSS., S. 294, fol. 375.
[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 2, 6.
[3] Danvila y Collado, Expulsion de los Moriscos, p. 227.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 387.
[5] Royal Library of Berlin, Qt. 9548.
[6] Archivo hist. nacional, Inquisicion de Toledo, Leg. 154, n. 356.

sionally there is less reticence. In one sentence I have found it alluded to—that of Mari Gómez, at Toledo, in 1551.[1] Sometimes there is a veiled allusion to it, as though the inquisitors could not conceal it wholly, but felt a certain shame in admitting it openly. Thus in the sentence of Elvira del Campo (see p. 24), which gives a very detailed account of the incidents of the trial, it is stated that, on using "mas diligencias," with her she admitted the charges, and in the sentence of Doctor Zapata, in 1725, "cierta diligencia" is alluded to as having been employed.[2]

It would of course be impossible to compile statistics of the torture-chamber, or to form a reasonably accurate estimate of the number of cases in which it was employed during the career of the Inquisition. Some fragmentary data, however, can be had, as in the record of the Toledo tribunal between 1575 and 1610. During this period it tried four hundred and eleven persons for heretical offences admitting of the use of torture, and in these it was used once on one hundred and nine, and twice on eight, besides two cases in which it had to be stopped on account of the fainting of the patient, and seven in which confession was obtained before it commenced. There were also five cases in which the accused was placed *in conspectu tormentorum*.[3] In all, we may say that here its agency was invoked in about thirty-two per cent. of heretical prosecutions. This is probably less than the average. In a number of cases tried by the tribunal of Lima between 1635 and 1639, nearly all the accused appear to have been tortured, while the report of the tribunal of Valladolid for 1624 shows that of eleven cases of Judaism and one of Protestantism, eleven were tortured and, in 1655, every case of Judaism, nine in number, was subjected to torture.[4]

After all, numbers, however they may impress the imagination, are not supremely important. They are simply a measure of the greater or less activity of the tribunals and not of the principles involved. Whenever there was a doubt to solve, whether as

[1] Proceso contra Mari Gómez (MS. *penes me*).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138.—Bibl. nacional, MSS., Kk, 53.

[3] MSS. of Library of University of Halle, Yc, 20, T. I.

[4] Archivo de Simancas, Inquisicion, Libro 812, Lima, fol. 20–1; Leg. 552.

to the sufficiency of the evidence, the intention of the accused, the completeness with which he had denounced his associates, or other inscrutable matter, recourse to torture was a thing of course. In not a few cases, indeed, there seems to have been an almost infantile confidence in its power as a universal solvent. About 1710, Fernando Castellon, on trial at Valencia for Judaism, claimed not to be baptized and was promptly tortured to find out, but without success.[1] In 1579 the Toledo tribunal had to deal with Anton Moreno, an aged peasant, accused of entertaining views too liberal as to salvation; torture seemed the only means of definition and, between the turns of the garrote, he was made to express his opinions as to the saving effects of death-bed repentance and the viaticum on a sinner who had been duly baptized with the water of the Holy Ghost. There was ghastly ludicrousness in the attempt, under such persuasion, to ascertain the beliefs of an untutored old man, on these subtle questions of scholastic theology, ending with the result that he was adjudged to be worthy only of abjuration *de levi*, with a reprimand and hearing of a mass in the audience-chamber.[2]

As the activity of the Inquisition diminished, in the latter half of the eighteenth century, the use of torture naturally decreased but, until the suppression in 1813, the formal demand for it was preserved in the accusation presented by the fiscal. One of the early acts of Fernando VII, on his restoration in 1814, was the issue of a cédula, July 25th, addressed to all officers of justice, reciting that, in 1798, when the Royal Council learned that, in the courts of Madrid, the accused were subjected to the severest pressure to extort confessions, it investigated the matter and found that thumb-screws and other methods more or less rigorous were employed, and that this was without authority of law: consequently on February 5, 1803, the discontinuance of these was ordered, except fetters to the feet, and at the same time inquiries made of all courts in the kingdom showed that various kinds of compulsion were used whereby the innocent were sometimes compelled to convict themselves falsely. In view of all of this Fernando now ordered that in future no judge should use any kind of pressure or torment to obtain confession from the accused or testimony from witnesses, all usages to the contrary being abol-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 443.
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

ished.[1] This can scarce have applied to the Inquisition but, under the Restoration, it had little to do with actual heresy and, before it was thoroughly reorganized, all doubts were removed by Pius VII. Llorente tells us that the *Gazette de France* of April 14, 1816, contained a letter from Rome of March 31st, stating that the pope had forbidden the use of torture in all tribunals of the Inquisition, and had ordered that this be communicated to the ambassadors of France and Portugal.[2] I see no reason for doubting this, although no such brief appears in the Bullarium of Pius VII, and we may assume that at last the Spanish Holy Office closed its career relieved of this disgrace.

According to an *arancel*, or fee-list, of 1553, the executioner was entitled to one real for administering torture, or to half a real if the infliction was only threatened. In the lay courts the sufferer was obliged to pay his tormentor, for there is a provision that, if he is poor, the executioner is to receive nothing and is not allowed to take his garments in lieu of the money.[3] In the Inquisition where, for offences justifying torture, arrest was accompanied with sequestration, the tribunal necessarily took upon itself the payment and, as we have seen, in 1681, the fee had increased to four ducats. In cases which did not end with confiscation, the outlay was undoubtedly included among the costs of the trial charged against the sequestrated estate. In the Roman Inquisition, where torture was used so much more indiscriminately, a decision of the Congregation, in 1614, relieved the accused from payment of the fee.[4]

[1] Cédulas de Fernando VII, n. 78, p. 99 (Valencia, 1814)

[2] Llorente, Hist. crít. Cap. XLIV, Art. 1, n. 38.

[3] Ordenanzas del concejo Real de su Magestad y los Aranzeles que han de guardar los Relatores, etc., fol. XXV (Valladolid, 1556).

[4] Decr. Sac. Cong. S^{ti} Officii, p. 508 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3.

CHAPTER VIII.

THE TRIAL

THE procedure of the Inquisition was directed to procuring conviction rather than justice, and in some respects it bore a resemblance to that of the confessional. The guilt of the accused was assumed, and he was treated as a sinner who was expected to seek salvation by unburdening his conscience and contritely accepting whatever penance might in mercy be imposed on him. Pressure of all kinds, mental and bodily, was scientifically brought to bear upon him to induce confession, and his refusal to confess, in the face of what was considered sufficient evidence, was treated as hardened and pertinacious impenitence, aggravating his guilt and rendering him worthy of the severest penalty.

The arrest, as we have seen, was preceded by careful preliminaries. Evidence was accumulated, in some cases for years, and, when the accused was thrown into the secret prison, he was to a great extent prejudged. It was the business of the tribunal, while preserving outward forms of justice, to bring about either confession or conviction; the defence was limited and embarrassed in every way and, when the outcome of all this was doubt, it was settled in the torture-chamber, always with the reservation that, if suspicion remained, that in itself was a crime deserving due punishment.

In the earliest period there were few formalities and no absolute *estilo*, or recognized method of procedure. In the enormous work crowded upon the inexperienced tribunals, the main object was the despatch of business, and the success attained in this is seen in the frequent and enormous autos de fe. The records of the trials are hasty and imperfect, showing that little attention was paid to forms that might cause delay. The Instructions of 1484 are crude, merely meant to supplement the traditional system of inquisitorial procedure with such regulations as should adapt it to the needs of the situation and to the intentions of Ferdinand

and Isabella. They are largely devoted to the questions of confiscation and the fines accruing under the Edicts of Grace and, for the rest, they conclude by saying that, as all circumstances cannot be foreseen and provided for, everything is left to the discretion of the inquisitors who, in all that is not especially prescribed, must conform themselves to the law and act according to the dictates of their consciences for the service of God and the sovereigns.[1] The result of this discretion was that, in the assembly of the inquisitors in 1488, a long debate was required to reach the conclusion that there should be uniformity in the procedure and acts of all the tribunals, the existing diversity having led to many embarrassments.[2]

It is therefore scarce worth while to examine in detail the simple and varying forms of this period, except as we shall find them interesting in comparison with later practice. The desired uniformity was gradually attained by the Suprema which, under the independent organization of the Spanish Holy Office, developed an elaborate system of procedure, set forth in the Instructions of 1561 and furnished, in 1568, with all necessary formulas in the *Orden de Processar* of Pablo García. Subject to such changes as subsequent experience demanded, this remained the standard to the last and was followed, with more or less exactitude by the tribunals.

When the accused was thrown into the secret prison his case, in the hurry of the earlier period, was heard and despatched with promptitude, but subsequently it became the custom for the inquisitors to exercise their discretion as to when they would call him before them, and we shall see what exasperating and calculated delays they sometimes interposed. He could, however, ask for an audience at any time, and it was an invariable rule to grant such requests, for the reason that he might have an impulse to repent and confess which might be transitory. Such audiences, however, did not count in the progress of the case. When summoned to his first regular audience, he was sworn to tell the truth in this and all future hearings and to keep silence as to all that he might see or hear, and as to everything connected with his

[1] Instrucciones de 1484, § 28 (Arguello, fol. 8). Substantially repeated in the supplementary Instructions of 1485, with the addition that, in important matters, inquisitors shall apply to the sovereigns for orders.—Arguello, fol. 11–12.

[2] Instrucciones de 1488, § 2 (Arguello, fol. 9).

own affair. He was made to declare his name, his age, his birthplace, his occupation and the length of time since his arrest. After these formalities, if the case was one of heresy, there came an investigation into his genealogy. This, which accumulated a mass of information as to all infected families, and facilitated greatly researches into limpieza, was not a feature of the early trials; in those of from 1530 to 1540, it was still very informal, but by the middle of the century it had become minute, extending back to two generations and including all uncles, aunts and cousins, describing of what race they were, whether any of them had been tried by the Inquisition and, if so, how punished. The punctilious observance of this takes a somewhat ludicrous aspect in the trial at Lima, in 1763, of a Mandingo negro slave for superstitious cures. He was seventy years of age and had been brought from Guinea when a child, but was interrogated minutely as to parents and grandparents, uncles and aunts, and was made to declare that they were all of the race and caste of negroes, and that none of them had been penanced, reconciled or punished by the Inquisition.[1] The accused was then interrogated as to his baptism, confirmation and observance of the rites of religion; he was made to sign and cross himself, repeat the creed and usual prayers, and finally to give an account of his past life.

After these preliminaries, of which the results were carefully recorded, he was asked whether he knew, presumed or suspected the cause of his arrest. With rare exceptions, the reply was in the negative and then followed what was known as the first of three monitions. There is no trace of these in the earliest trials, but toward 1490 an informal monition makes its appearance and the Instructions of 1498, in requiring the formal accusation to be presented within ten days after arrest, prescribed that within that time the necessary admonitions shall be given.[2] In 1525 a letter of Manrique shows that these monitions then were three, but they still were negligently observed, and in trials from that time until 1550 they vary from none to three.[3]

After the Instructions of 1561, the three monitions became the established rule in cases of heresy, while one sufficed in lighter

[1] Pablo García, Orden de Processar, fol. 9.—MSS. of Bibl. nacional de Lima.

[2] Instrucciones de 1498, § 3 (Arguello, fol. 12).

[3] Archivo de Simancas, Inquisicion, Lib. 933.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 231, n. 72, fol. 46.—Procesos contra María de Paredes y Mari Serrana (MSS. *penes me*).

matters. The formula was formidable. The accused was told that, in the Holy Office, no one was arrested without sufficient evidence of his having done or witnessed something contrary to the faith or to the free exercise of the Inquisition, so that he must believe that he has been brought hither on such information. Therefore, by the reverence due to God and his glorious and blessed Mother, he was admonished and charged to search his memory and confess the whole truth as to what he feels himself inculpated, or knows of other persons, without concealment or false-witness, for in so doing he will discharge his conscience as a Catholic Christian, he will save his soul and his case will be despatched with all speed and befitting mercy, but otherwise justice will be done. At intervals a second and a third monition were given, the last one ending with the warning that the fiscal desired to present an accusation against him, and it would be for his benefit, both for the relief of his conscience and for the favorable and speedy despatch of his case, if he would tell the truth before its presentation, as thus he could be treated with the mercy which the Holy Office was wont to show to good confessors; otherwise he was warned that the fiscal would be heard and justice would be done.[1]

This brought an exceedingly effectual pressure to bear upon the anxious prisoner, especially when the system of delay, whether calculated or merely procrastinating, left him for months, and perhaps years, to lie in his cell, shut out from the world, brooding over his fate, and torturing himself with conjectures as to the evidence so confidently assumed to be conclusive against him. He was simply admonished to discharge his conscience, being kept in the dark as to the crimes of which he was accused, and left to search his heart and guess as to what he had done to bring him before the terrible tribunal. This had the further utility that in many cases it led to confession of derelictions unknown to the prosecution, his impassible judges coldly accepting his revelations and remanding him to his cell with fresh adjurations to search his memory and clear his conscience.

This cruel device of withholding all knowledge of the charge appears to have been introduced gradually. In some cases, of about 1530, slight intimations of the nature of the accusation are given, but by 1540 complete reticence seems to be general. There

[1] Pablo García, Orden de Processar, fol. 10, 15.

was no formal instruction prescribing it, but it became the universal custom, based perhaps on the principle that the confession, like that to a priest, to be trustworthy must be spontaneous, showing the change of heart and conversion which alone could render the culprit worthy of mercy. Yet, towards the end of its career, under Carlos III and after the Restoration, the Inquisition occasionally granted an *audiencia de cargos*, in which the accused was apprized of the charges against him and, in trivial matters, this frequently took the shape of summoning him under some pretext that would save his reputation, informing him of the alleged offences and, after hearing his explanations, determining what course to pursue. Even in so serious a matter as the celebration of mass by a married layman, the Santiago tribunal, in 1816, after throwing Angel Sampayo into the secret prison, gave him an audiencia de cargos before proceeding further.[1]

How systematic reticence sometimes succeeded is indicated by the case of Angela Pérez, before the Toledo tribunal in 1680. After lying in prison for eleven months she asked an audience, May 19th, to inquire why she had been brought to Toledo. She was admonished that she had already been told that no one was arrested who had not said or done something contrary to the faith; if she wished to discharge her conscience she would be heard, and, on her asserting that she had nothing to confess, she was sent back to her cell with an admonition to think it over and discharge her conscience. On June 13th she sought another audience, for the same purpose and with the same result. Then, on June 22d she was transferred from the *carceles medias* to the secret prison and, on the 25th, she obtained another audience in which she entreated the inquisitors, in the name of the Virgin, to bring the charges, but all that she obtained was to have her genealogy taken and to receive the first monition. To this she replied that she had nothing to confess and wanted her case despatched as she had been thirteen months in prison. The implacable methods of the Inquisition triumphed, however, for the next day she sought an audience in which she confessed that for eight years she had observed the Law of Moses.[2]

Even more suggestive, though in a different way, is the Mexican case of the priest Joseph Brunon de Vertiz, who was one of the

[1] Llorente, Hist. crít. Cap. XLII, Art. 1, n. 2.—Archivo de Simancas, Inquisicion, Lib. 890.

[2] Proceso contra Angela Pérez, fol. 24–31 (MS. *penes me*).

dupes of some women pretending to have revelations. They were all arrested and he was thrown in prison September 9, 1649. In repeated audiences he vainly sought to learn the charges against him; he fairly grovelled at the feet of the inquisitors; he made profuse statements of everything concerning himself and his accomplices; he submitted himself humbly to the Church and was ready to confess whatever was required of him, but all to no purpose. The strain proved too great for a mind not overly well-balanced, and it began to give way. The first symptoms were complaints of demoniacal possession, followed, after an incarceration of two years and a half, by his writing a paper full of the wild imaginings of a disordered brain, in which he denounced the Inquisition as a congregation of demons and the Jesuits as the most detestable enemies of God. Then he lay in his cell for more than two years, until, July 23, 1654, he presented another incoherent paper. Finally he died, April 30, 1656, after more than six and a half years of imprisonment, without ever learning of what he was accused. His body was thrust into unconsecrated ground and the prosecution was continued against his fame and memory. On May 11, 1657, the fiscal at last presented an informal accusation for the purpose of summoning the kindred to defend the case; on October 22, 1659, more than ten years after the arrest, the formal accusation was presented and, as defence was impracticable, Brunon de Vertiz was condemned and his effigy was burnt in the auto de fe of November of the same year.[1]

When, in the third monition, the accused was warned that, if he did not confess, the fiscal would present an accusation, there was implied deceit for, whether he confessed or not, the trial went on in its inevitable course. It was usually in the same audience, after he had replied to the monition, that the fiscal was introduced with the accusation, to which he swore and then retired. This formidable document was framed so as to be as terrifying as possible. In cases of heresy it represented that the accused, being a Christian baptized and confirmed, disregarding the fear of the justice of God and of the Inquisition, with great contempt for religion, scandal of the people and condemnation of his own soul, had been and was a heretic, an impenitent, perjured negativo and

[1] This case, from the MSS. of Daniel Fergusson Esq., is given in greater detail in "Chapters from the Religious History of Spain," pp. 362–73.

feigned confessor; that he had committed many and most grievous crimes against the divine majesty and the free exercise of the Inquisition, and was a fautor and receiver of heretics. Then followed the recital of the acts developed by the evidence, arranged in articles, reduplicated and exaggerated and presented in the most odious light. Besides this he was a perjurer, by refusing to confess in the audiences, after swearing to tell the truth, from which it was presumable that he was guilty of other and greater crimes, of which he was now accused generally and would be specifically in due time. Wherefore the fiscal prayed that the accused should be found guilty of the crimes recited, condemning him to confiscation and relaxing his person to the secular arm and declaring him to have incurred all the other penalties and disabilities provided by papal letters, instructions of the Holy Office, and pragmáticas of the kingdoms, executing them with all rigor so as to serve as a punishment for him and an example to others. After this followed the terrible clause, known as the *Otrosi*, demanding that he be tortured as long and as often as might be necessary to force him to confess the whole truth.

One thoroughly unjustifiable feature of the accusation was that, if there was evidence of other misdoings of the accused, wholly outside of the jurisdiction of the Inquisition, they were inserted because, as the Instructions of 1561 remark, they serve as an aggravation of his heresies and show his unchristian life, whence may be derived indications as to matters of faith.[1]

As soon as the accusation was read, it was gone over again, article by article, and the accused, while still confused by its menaces, taken at advantage, wholly unprepared and without assistance of any kind, was required to answer each on the spot, his replies or explanations being taken down by the secretary as part of the record of the case. After this he was told to choose an advocate to aid in his defence.

The custom of allowing counsel in criminal cases is so comparatively recent in English law that their admission by the Inquisition may be regarded as an evidence of desire to render justice. In Spain, however, it was customary, and defendants too poor to retain them were supplied at the public expense. In the royal

[1] Instrucciones de 1561, § 18 (Arguello, fol. 29)

chancellería, as organized by Ferdinand and Isabella, there were two *abogados de los pobres*.[1] In the medieval Inquisition, during its earlier centuries, counsel were not allowed to the accused and it became a settled principle of the canon law that advocates who undertook the defence of heretics were suspended from their functions and were perpetually infamous.[2] Towards the close of the fifteenth century, however, in witchcraft trials, we find advocates admitted, but under the strict limitations that we shall see in Spain, and those who showed themselves too zealous in defence of their clients were subject to excommunication as fautors of heresy.[3]

When the Spanish Inquisition was founded, it was therefore a matter of course that the accused should be allowed the assistance of trained lawyers and not only this but of procurators, who attended to the business of the defence, performing the functions, in some sort, of the English solicitor, while the *letrado* represented the barrister and drew up the argument. In a number of trials at Ciudad Real, in 1483, there appears to have been considerable freedom of choice, the accused selecting both advocates and procurators. During the persecution at Guadalupe, in 1485, the defendants were mostly represented by Doctor de Villaescusa as advocate and by Juan de Texeda as procurator, and the arguments in defence were well and forcibly presented.[4] This was in accordance with the Instructions of 1484, which order that if the accused shall ask for an advocate and procurator, the inquisitors shall grant the request, receiving from the advocate an oath to assist him faithfully, without cavils or malicious delays, but that if, at any stage of the case, he finds that his client has not justice on his side, he will help him no longer and report to the inquisitors; if the accused has property, they shall be paid from it, but if he has none they shall be paid out of other confiscations, for such are the orders of the sovereigns.[5] Yet this liberality was nullified by the clause requiring advocates to

[1] Fuero Real de España, Lib. I, Tit. ix, ley 1.—Colmeiro, Córtes de Leon y de Castilla, II, 55.

[2] Angeli de Clavasio Summa Angelica, s. v. *Hæreticus*, § 20.

[3] Malleus Maleficarum, P. III, Q. 10, 11, 35.—Prierias de Strigimag., Lib. iii, cap. 3.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 133, n. 46; Leg. 140, n. 162; Leg. 148, n. 262; Leg. 154, n. 356, 375.—Boletin, XXIII, 295, 306.

[5] Instrucciones de 1484, § 16 (Arguello, fol. 6).

betray their clients, thus destroying all confidence between them and fatally crippling the defence. It was, however, in accordance with the ethics of the age, and we shall see how it developed in a manner to render illusory the services of the advocate.

It would seem that the tribunals sometimes chafed under these rules and asserted discretion to disregard them for, in the case of the priest, Diego García, in 1488, when he was told to select an advocate and a procurator, the fiscal refused consent, and he had to conduct his own defence, though, at a subsequent stage of the trial, Diego Tellez appeared for him.[1] It was possibly in consequence of such cases and of other impediments to the defence, that the Suprema issued a provision that all prisoners should be allowed to take a procurator and advocate, provided they were fitting persons. Also that the children and kindred of the accused should not be prohibited from consulting as freely as they pleased with the counsel, and that he should have copies of the accusation, the depositions of the witnesses and other papers in conformity with the Instructions.[2] All this, which was demanded by the simplest demands of justice, became, as we shall see, a dead letter.

That the danger awaiting a too zealous advocate was not purely hypothetical is seen in the case of Casafranca, deputy of Ferdinand's treasurer-general of Catalonia, who was burnt in the auto de fe of January 17, 1505, and his wife in that of June 23d; his father-in-law had been reconciled and his mother, after condemnation, died in the secret prison. Francisco Franch, the royal advocate-fiscal, had defended Casafranca, and the Inquisition prosecuted him for his unsuccessful attempt to avert his client's fate, although at that time he had risen to the position of Regent of the royal Chancellery. Ferdinand, who felt much interest in his behalf, made Inquisitor-general Deza write in his favor to Francisco Pays de Sotomayor, an inquisitor specially deputed to hear the case, but this did not save him from bitter humiliation and dishonor. February 28, 1505, Sotomayor pronounced sentence in which his offence was described as endeavoring to induce a witness to revoke his testimony, and as impeding the Inquisition by useless and procrastinating delays, by which he had incurred excommunication, and moreover he was guilty

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.
[2] Archivo de Simancas, Inquisicion, Lib. 933, p. 259.

of perjury by asserting a false and erroneous conclusion, for all of which he had humbly begged pardon and mercy. After obtaining absolution from a priest he was to stand the next day before the high altar of Santa María de Jesu during mass, with a lighted candle, in penitential guise, and forfeit all payment for his services—which would have come out of Casafranca's confiscated estate. Both he and the fiscal accepted the sentence, but there was delay in his public penance, for he refused to utter certain words interlined in the sentence, which he asserted had been inserted since it was read to him. The fiscal threatened to appeal to the inquisitor-general and demanded that Franch be detained in prison until the appeal was decided, whereupon he yielded and the ceremony was performed on March 1st.[1]

When the efforts of counsel in behalf of their clients were thus effectually discouraged, nothing but the most perfunctory services could be expected from them, and the inquisitors need apprehend little trouble. Even this, however, was thought to give the accused too much chance, and all risk of inconvenient zeal was averted by depriving him of the right to select his defender and confining the function to one or two appointees of the tribunal, who could be relied upon to favor the faith. The first intimation of this policy comes in the memorials of Jaen and Llerena in 1506, which complain bitterly that the inquisitors refuse to allow the accused to select their advocates and procurators, forcing them to take such as they appoint who will do their bidding. The Jaen memorial describes them as enemies of the people, who desire arrests to be multiplied, as they charge three thousand maravedís in every case which, for the two hundred prisoners, amounts to six hundred thousand.[2] This abuse, probably originating with Lucero, was so conformable to the tendencies of the Holy Office that it gradually became the rule. In 1533, one of the petitions of the Córtes of Monzon was that prisoners should be allowed to select their advocates and procurators, and to this no direct answer was made.[3] In 1537 the *abogados de los presos* were already recognized as officials appointed by the tribunals. They were exclusively entitled to conduct the defence and, in

[1] Carbonell de Gestis Hæret. (Coll. de Doc. de la C. de Aragon, XXVIII, 167, 169, 171, 213).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 43, 44.

[3] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 47, 48.

1540, the Suprema, in reply to a petition, said that, if the party desired a different advocate, it could only be on condition that he should act in consultation with the official one. Even this poor privilege was withdrawn for, in 1562, Valdés decreed that the official counsel should communicate with no other advocate.[1] It is true that, in 1551, the Suprema had admitted that, if the tribunal had not been able to find a fitting lawyer for appointment, the accused could select one, but this was merely yielding to necessity.[2]

The chief qualification for an *abogado de los presos* was his limpieza and that of his wife; his subservience to the tribunal was assured by his dependent position, but, to render this more absolute, about 1580 the Suprema ordered the Lima tribunal—and probably all others—to make its advocates familiars, an office which bound them to the strictest obedience.[3] Allowing for natural exaggeration, there is probably truth in the description given, in 1559, by Antonio Nieto, a prisoner in Valencia, to his cell-mate Pedro Luis Verga, who, after his first audience, was felicitating himself on Inquisitor Arteaga's promise to give him an advocate and a procurator. Nieto told him not to count upon it for, though the inquisitor might give him an advocate he would give him nothing good, but a fellow who would do only what the inquisitor wanted and, if by chance he asked for an advocate or a procurator not of the Inquisition, they would not serve for, if they went contrary to the inquisitor's wishes, he would get up some charge of false belief or want of respect and cast them into prison.[4]

The advocate thus became one of the officials of the tribunal, duly salaried and working in full accord with the inquisitors. In 1584, we find him of Valencia petitioning to have a place assigned to him in the autos de fe, where he could be recognized as such and, at his ease, see his clients sentenced. The petition was granted and he was allotted the last place among the salaried and commissioned officers.[5] This became the established rule, but in time professional dignity was wounded at thus being relegated to a position inferior to the messengers and apparitors and gaolers.

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 98.
[2] Ibidem, fol. 19.
[3] MSS. of Bibl. nacional de Lima, Protocolo 223, Expediente 5270.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 377.
[5] Ibidem, Leg. 5, n. 1, fol. 81.

In Valladolid and Granada the advocates obtained promotion to outrank the physicians and surgeons and, in 1670, the Licentiate Juan Márquez, advocate in the Seville tribunal, addressed to the Suprema a formidable memorial of seventy-five quarto pages of text and fifteen of index, representing the slight thus put upon them, and setting forth the dignity of the legal profession, the respect due to its learning and, as regards the advocates of prisoners, the confidential position occupied and the fidelity with which they served the tribunals. It seems never to have occurred to him to put forward a claim based upon fidelity to their clients.[1]

In fact, the so-called advocate was simply an official instrument for securing confession and conviction, for which his ostensible position of friendly adviser gave him peculiar opportunity. No communication between him and his client was allowed, except in presence of the inquisitors and of the secretary, who made record of all that passed between them, thus keeping watch to see that he performed his duty. It is true that he was sworn to defend the prisoner with all care and diligence and fidelity, if there was ground for it, and if not to undeceive him, but his real duty is described as urging the prisoner to confess fully as to himself and others, and to throw himself upon the mercy of the tribunal, for by denial he would only prejudice his case and suffer in the end.[2] How any deviation from this was treated, appears in the case of Benito Ferrer, in 1621, before the Toledo tribunal. In the consultation, his advocate Argendona suggested some points of defence displeasing to the inquisitors, who promptly ordered him out of the audience-chamber and sent Benito back to his cell to refresh his memory and discharge his conscience, and two days later Argendona had to put in the written defence without further opportunity of conference. The Licentiate Egas had a more accurate conception of his duty, when serving as advocate for Isabel Reynier, tried, in 1571, for Protestantism in Toledo. The official record states that, after unavailing efforts to induce her to confess, he asked whether she had any enemies to disable, on which he could frame a defence, when she named several, but, as the Señores Inquisidores wanted to despatch the case, he told her that this would avail her nothing, for there was

[1] Memorial jurídico que por los Abogados de Presos, etc. (Bodleian Library, Arch Seld, I. 23).

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6)

no presumption that enmity had caused false-witness, and he went on to persuade her that she had already confessed enough to render her case hopeless. The impatience of the inquisitors was gratified, for the unfortunate woman was sent to the stake without Egas troubling them by putting in a written defence.[1]

The old rule remained in force forbidding the advocate to defend an impenitent heretic. It made no difference of course in the result, but still permission to do so would have saved appearances. Such cases occasionally occurred, like that of Benito Peñas at Toledo in 1641, a harmless lunatic with some vague speculative heresies. His advocate, Juan Díaz Suelto, after a conference in which his client obstinately rejected his advice to forsake his errors and beg for mercy, reported that his efforts had been in vain, so that it was necessary for him to abandon the defence, in order not to incur the censures and other penalties imposed by the papal briefs, and also for the speedier despatch of the case.[2] Even as late as 1753, at Valencia, the same occurred in the trial of a swindling German named Horstmann.[3]

If, even under these shackles, an advocate desired really to defend his client, he was deprived of the means to do so. Originally, as we have seen, the kindred and children were allowed freely to communicate with him, to furnish indispensable assistance and information, and to gather witnesses, and he was also supplied with copies of the depositions of the witnesses and other necessary papers. It seems to have been Lucero, the evil inquisitor of Córdova, who changed all this, for the memorials of Jaen and Llerena complain bitterly of such denial of justice, rendering nugatory all the means of defence, and depriving the kindred of all knowledge of the nature of the accusation.[4] It expedited business however and facilitated conviction, and its usefulness overcame all scruples. In 1522 Cardinal Adrian forbade all communication between the advocate and the children or kinsmen of the accused, and this prohibition was repeated until it became the invariable rule. In the same spirit, the only document, that he was allowed to have, was a copy of the publication of evidence, which was a very different thing from the original

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. III, X.—Cf. Schäfer, Beiträge, II, 231.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. VI.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 30, fol. 38.

[4] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 43, 44.

depositions. To repress all initiative on his part he was prohibited from putting forward any defence save what the accused might suggest, in their open consultations in the audience-chamber, or to call for any witnesses whom the latter did not name, and the inquisitors were instructed to punish any infractions of this rule because they were troublesome and impeded the course of business.[1] If an advocate was suspected of undue zeal, the inquisitors had a right to interrogate him as to the measures taken for the defence, the sources of his information and other details; the defence in every way was obliged to play *cartes sur table*, while the fiscal's hand was carefully guarded, and only such knowledge was permitted as served to confuse and mislead. It would seem scarce likely, under such regulations, that advocates would be guilty of really assisting their clients, but to guard against such possible derelictions of duty, inspectors were ordered, when visiting tribunals, to inquire whether they defend the accused "maliciously" and employ cavils for delay and finally, whether or not they are necessary.[2]

At the same time, in its affectation of fairness, the Inquisition insisted on the accused having counsel. When, in 1565, Pedro Hernández was tried at Toledo for Calvinism, he confessed at once, professed conversion and begged for mercy. When told to select an advocate he refused, until informed that it was imperative for him to have one to conduct his defence. Of course this was a mere formality for he was duly burnt in the auto de fe of June 17th.[3] Inquisitors, moreover, were required to admit all documents offered to them, and to listen to any one who might have the hardihood to appear in favor of a prisoner.[4]

Simultaneously with the development of restrictions on the advocate, the disappearance of the procurator completed the system of enabling the inquisitor to control the defence as well as the prosecution. One of the latest references to the procurator is a regulation of 1545, which infers that, if the accused made application, the tribunal would grant him one, with the reservation that this did not entitle the kindred to aid in the defence.[5]

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 98, 103.—Pablo García, Orden de Processar, fol. 24.

[2] Archivo de Simancas, Inquisicion de Canarias, Exptes de Visitas, Leg. 250, Lib. I, fol. 8; Lib. III, fol. 3.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 98, 99. [5] Ibid. fol. 98.

This jealousy of outside assistance constantly increased and some tribunals, such as Seville and Córdova, commenced to refuse admission to procurators, except in prosecutions of the absent and dead; the kindred might suggest the names of witnesses to the inquisitor, who would summon and examine them. Finally Inquisitor Cervantes, when in 1560 he made a report on Barcelona, took the opportunity of pointing out the disadvantages of such representatives of the accused; through them, he argued, the case became known, they anticipate the witnesses before they give evidence, they are able to identify them and furnish to the accused reasons for disabling them. The Bishop of Avila, a member of the Suprema, promptly admitted the force of this, and declared that procurators ought no longer to be allowed. This opinion prevailed and, in the Instructions of 1561, their admission was forbidden, although in case of necessity, special powers might be given to the advocate.[1] They continued, however, to be appointed in trials of the absent and dead, where it was unavoidable. The Roman Inquisition did not follow this example of the Spanish and allowed the employment of procurators.[2]

Besides the advocate there appears in many trials a personage known as the *curador*, or guardian, a living evidence of the fatherly care of the Inquisition toward the helpless. Following the traditions of the Roman law, Spanish jurisprudence provided that, in suits and actions involving those who had not attained the full age of twenty-five years, the assent of a curador, either permanent or temporary *ad hoc*, was necessary to validate the legal acts of the minor.[3] This provision, intended for the protection of the youthful and incapable, was retained in the practice of the Inquisition, because it was necessary to render valid the various compulsory acts of the accused in the successive steps of his trial, but in order that it might not by any chance be of value to him, and to preserve the secrecy of the Holy Office, the custom was adopted of appointing the advocate or preferably the gaoler, or messenger, or some other underling of the tribunal to serve as curador. As it was thus wholly subversive of the object for which the function was created,

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 2.—Instrucciones de 1561, § 35 (Arguello, fol. 31–2).

[2] Decret. Sac. Congr. Sti Officii, p. 496 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3).

[3] Partidas, P. vi, Tit. xvi, leyes 12, 13, 14.—Hugo de Celso, Reportorio de las Leyes, s. v. *Curador* (Alcalá, 1540).

there is grotesque cynicism in the pompous formalities through which the curador was interjected into the proceedings. He took a solemn oath that he would diligently and faithfully defend his ward, alleging all that was to his advantage and preventing all that was injurious, advising with his advocate and doing all that a good guardian could do for a ward. And, if the latter, through his negligence, suffered injury, he pledged his person and property to make it good, giving as security another person (a fellow subordinate) who united with him in the liability, jointly and severally, renouncing all legal defence and placing themselves and all their possessions in the hands of the inquisitors.[1] Being thus a mere formality, or rather a deception, involving the perjury of those who took the formidable oath, it may be dismissed from further consideration, except to cite a case illustrative of the rigid formalism of procedure. In 1638, at Valladolid, Blanca Enríquez, on trial for Judaism, represented herself as twenty-two years of age and as usual was given a curador. She confessed to having been reconciled at Córdova, nine or ten years before; a vote in discordia carried the case to the Suprema, which discovered that her previous trial had occurred in 1623, when she was fifteen and consequently she was now thirty. The curador therefore had rendered the trial irregular, and the Suprema ordered it to be repeated from the beginning.[2]

There was another form of assistance allowed to the accused, when the questions at issue involved nice theological points, beyond the capacity of the ordinary advocates. Learned doctors were called in as *patrones teólogos*, to aid the accused, after he had been heard in defence of his incriminated propositions. In ordinary practice, the propositions and his answers were read to them; to each one they said whether he had satisfactorily explained

[1] Pablo García, Orden de Processar, fol. 19.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 23.

For the custom of appointing as curador the advocate or a subordinate official see *Praxis procedendi* cap. 9, n. 4 (Arch. hist. nacional, Inq. de Valencia).—Arch. de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).—Arch. hist. nacional, Inq. de Toledo, Leg. 110, n. 31; Leg. 112, n. 64.—The object of the appointment of the curador is frankly admitted by Pablo García (Orden de Processar, fol. 14).

Yet it is of this travesty of justice that a recent apologist tells us that, if the accused was less than 25 years of age, the tribunal selected for him, from among the most eminent advocates of the city, one to assist him throughout the trial.—L'Abbé L.-A. Gaffre, Inquisition et Inquisitions p. 105 (Paris, 1905)

it or not; or whether he ought to retract, or whatever other conclusion they might reach; then the whole was submitted to the calificadores, who pronounced their final censure.[1] Nominally the patrones were selected by the accused but in this, as in everything else, the Inquisition sought to control the defence. When, in 1574, Fray Luis de Leon was told that he could have patrones, he named four from various places. The Valladolid tribunal referred the nominations to the Suprema, which replied by asking whom it was accustomed to give from among its calificadores and, on being informed, ordered that the routine custom should be followed. Fray Luis's protest that he did not want calificadores, who had already pronounced against him, was set aside; patrones were not meant to defend the accused in his heresies, but to undeceive him and tell him what he should believe. It is true that the Suprema finally receded from this position but, by a juggle continued for months, Fray Luis was forced to take a man whom he did not want, and who was only a new and disguised calificador; conference between them was denied, and the opinion which the patron rendered was withheld from him.[2] The wisest course for a theologian, in the hands of the Inquisition, was that adopted by Fray Thomas de Nieba, in 1642, when on trial at Valladolid for certain conclusions defended by him in scholastic debate. He refused both advocate and patrones, saying that he was subject to correction by the Church and by learned theologians, and he did not propose to defend the inculpated propositions.[3]

We have seen that, after the accusation was read and answered, the prisoner was told to choose an advocate. Possibly two names were mentioned to him, both equally unknown; more often only a single name. He was not at liberty to refuse and, on his giving assent, the advocate, who had been kept in readiness in the antechamber, was called in. The proceedings up to that point were read to him, and he at once performed the duty of urging his client to confess. Whether successful or not in this, he stated that the next thing in order was to conclude; the fiscal was called in, who similarly announced that he concluded, and the inquisitors

[1] Pablo García, Orden de Processar, fol. 77-8.

[2] Proceso contra Fray Luis de Leon (Col. de Documentos, X. 564–5; XI. 12-49).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 29.

notified both parties of the conclusion. These formalities being over, the case was formally received to proof. The fiscal asked that his witnesses be ratified and publication of evidence be made.

Ratification, as we have seen, frequently caused considerable delay, until the device was invented of ratifying at the time of deposition. When the evidence was thus in proper shape, the next move was its so-called publication. This might or might not be the final step of the prosecution, for it never was precluded from bringing in new evidence, and there might be half a dozen or more successive publications, especially when a group of Judaizers were on trial and they broke down one by one and told what they knew about their associates. The effectiveness of this is illustrated by the case of Engracia Rodríguez at Valladolid, in 1643. After her case had apparently reached its end, the consulta de fe voted her to torture, which was duly administered, without eliciting a confession. Then from time to time came new publications of evidence, until her resolution gave way and, at the seventh publication, eleven months after her torture, she confessed to Judaism. She probably recognized that her kindred and friends were yielding, one after another and incriminating her, and that it was useless to resist longer, with the certainty —of which her advocate doubtless informed her—that persistence would indubitably end in her burning alive as an impenitent *negativa*.[1]

As this publication of evidence was the only inkling afforded to the accused of what was the case against him, and as it was assumed to give him ample opportunity of defence, it is worth a little special consideration. We have seen that the pretext of protecting witnesses was held as justifying the suppression of their names and of all circumstances that might lead to their identification. Even under the most rigid construction, this crippled greatly the defence, but rigid construction of their powers was not common among the tribunals. When once it was admitted that portions of the evidence could lawfully be suppressed, the selection of what should be made known became largely discretional.

The endeavor to lay down rules for guidance as to this led to an infinity of instructions, more or less rigid or lax. In 1498, the Suprema called attention to the evils that had hitherto followed publication, wherefore in future care must be taken to omit all

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 31.

circumstances giving a clue to the identity of the witnesses, and this was repeated in 1499.[1] Yet the glaring injustice of withholding from the accused a knowledge of details that might enable him to disprove the charges was recognized, but all instructions forbidding this were framed with an "if" that virtually authorized the wrong. For instance, the specification of time and place at which an act was said to have been performed was indispensable, if the accused were to have a chance of detecting false swearing, yet such details might possibly lead him to identify the witness, and these opposing reasons gave rise to a series of varying orders which indicate how the Suprema vacillated between the desire to secure the advantage and the consciousness of the wrong. In 1525 it condemned the practice of the Toledo tribunal in omitting time and place. It was difficult to make the inquisitors observe this and, in 1527, a general order was issued to state the evidence as the witnesses had given it, neither more nor less. In 1530 it made a concession by ordering that it should be consulted when there was "inconvenience" in stating the month or year. Then, in 1532, it laid down the positive rule that place and time and persons must be stated, for the principle that the witness must be protected was to be construed as preventing only direct recognition and not inferential. This was again modified, in 1537, when, while again ordering that all the evidence must be given, this was qualified by the old injunction to suppress all circumstances by which the witnesses could be identified. About 1560, some instructions to Barcelona order that the time should be stated, while place is to be indicated in such general terms as shall not betray the witness. Finally, in the definitive Instructions of 1561, time and place are ordered to be given, but at the same the omission is prescribed of all that may betray the witness. A caution that no evidence is to be used that is not in the publication gives a hint of other irregularities of even a more serious nature.[2]

The publication being a matter of supreme importance, it was the duty of the inquisitors personally to draw it up, and not entrust it to subordinates, least of all to the fiscal, who was technically the prosecutor. Orders to this effect were issued in 1529;

[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 100, 101, 102; Visitas de Barcelona, Leg. 15, fol. 2.—Llorente, Añales, II. 303.—Instrucciones de 1561, §§ 31, 32, 34 (Arguello, fol. 31).

they were repeated in the Instructions of 1561 but, in 1568, the Suprema was obliged to take the Barcelona tribunal to task for allowing the fiscal to do it, and a later writer informs us that inquisitors continued to shirk the labor and threw it upon the secretaries.[1]

The labor was doubtless great, when the witnesses were numerous and loquacious, and the delicate duty was apt to be recklessly performed by subordinates, fearful of rebuke if they allowed too much to be known. The custom was to give the evidence of each witness separately, as deposed by "a certain person" and, when practicable, to divide it up into articles, each covering a separate charge or fact. In this process the elimination of all circumstances that might give a clue to the identity of the witnesses was easy, and there was little scruple in misleading the defendant or in omitting whatever might be thought to weaken the case. In the publication read to Marí Gómez la Sazeda, when on trial at Toledo in 1544, the evidence of one witness is divided and represented as given by two, with the object, as noted on the margin, of preventing her from identifying him.[2] In the case of Gaspar de Torralva, before the same tribunal in 1531, the publication bears such notes as "the evidence of the seventh witness omitted," "the evidence of the eighth witness omitted."[3] There was no possible supervision or control over this; the discretion of the inquisitors was absolute and the prisoner was at their mercy.

In many cases the publication was scarce more than a slovenly repetition of the fiscal's accusation and afforded to the accused no possible aid in his defence, as in that given to Juan de la Barra, tried for Lutheranism at Toledo, in 1656.[4] When it was drawn up more elaborately, it became confusing in the highest degree. One reads the long array of the assertions, or the conjectures, or the gossip retailed by twenty-five or thirty witnesses, vaguely set forth as what a "certain person" said or thought about another certain person, with no specifications of time or place, and one wonders how the prisoner could even grasp it sufficiently to form any definite conception of the character and weight of the evidence

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 101; Visitas de Barcelona, Leg. 15, fol. 20.—Instrucciones de 1561, § 32 (Arguello, fol. 31).—MSS. of Royal Library of Copenhagen, 218[b], p. 376.

[2] Proceso contra Marí Gómez la Sazeda, fol. 55 (MS. *penes me*).

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 71, fol. 52.

[4] Ibidem, Leg. 111, fol. 47.

against him. And, with his life perhaps hanging in the balance, he was required to answer all this on the spot, article by article, and was closely cross-examined on his replies. That even an innocent man should compromise himself in the pitfalls thus cunningly laid for him was not unlikely, and yet this publication of evidence was represented as a special favor granted in view of the other restrictions imposed on the defence—a favor not always conceded in the secular courts.[1]

After this ordeal was passed the advocate was called in and furnished with the publication and the answers of the accused. The two conferred together, under the eye of the inquisitor and pen of the secretary; if the accused rejected the renewed advice of the advocate to confess and discharge his conscience, the plan of defence was concerted. What this was, as a rule, made little difference. When, in 1499, the inquisitors-general felt it necessary to instruct inquisitors that they must pay attention to the defences and exceptions alleged by the accused, it indicates how they were recognized as prosecutors rather than judges. Yet it was freely admitted that, in view of the limitations of the defence, they should be most zealous in considering whatever it presented.[2]

The defence was so perfunctory a routine that the systematic writers mostly dismiss it with the curt observation that its witnesses must be zealous Christians and in no way connected with the defendant. Simancas, however, treats it at greater length, and his enumeration of its possibilities shows how restricted they were. He admits at the start the legal maxim that it is impossible to

[1] Praxis procedendi, cap. 15, n. 1 (Archivo hist. nacional, Inquisicion de Valencia).

When, in 1601, Maximilian I of Bavaria consulted the legal faculty of Padua concerning witchcraft trials, one of his questions was whether a copy of the evidence should be given to the accused, or whether it should be stated to him by the judge and he be required to answer on the spot, as thus the truth might be better discovered. To this the answer was emphatic. All authorities unanimously required the accused to be furnished with a copy and to be allowed a competent time to answer. Nowhere in the law was to be found an exception to this, even in the most atrocious crimes; the right of defence was a natural right of which the accused could not be deprived. The force of this, however, was somewhat weakened by an admission that it was in the power of a monarch to limit the defence.—Marc. Anton. Peregrini Consilium de Sagis, n. 144–50 (Diversi Tractatus, Colon. Agripp. 1629).

[2] Archivo de Simancas, Inquisicion, Lib. 933.—Praxis procedendi, Cap. 16, n. 1 (*ubi sup.*).

prove a negative, which was virtually, in most cases, the task imposed on the accused. Then he proceeds to define what the defendant can do. He can call on witnesses to prove his religious character or to disable for enmity the opposing witnesses, or to show that at a certain time or place he did not say what was attributed to him. Then there are general pleas in abatement, extreme youth, second childishness, insanity, drunkenness, thoughtless speech, ignorance, jocularity, the pressure of fear under threats, or intense grief. Or he may recuse the judge, which should be referred to the Suprema and not to arbiters, who cause much delay.[1]

Recusation of a judge was a right recognized in the traditional legislation of Spain.[2] It was admitted in the Inquisition and we have seen, in the cases of Carranza and Villanueva, how little the accused profited thereby, even when nominally successful. It was a recourse practically open only to the powerful or to the trained, at best but a dangerous expedient, and of necessity had to be done at the commencement of a trial. It evidently was not employed often enough for a definite form of procedure to have been provided. The Instructions of 1561 require that, if an inquisitor be recused, he must abandon the case to his colleague; if he has none, or if both are recused, the matter must await the decision of the Suprema.[3] This would indicate that the recused judge retired as a matter of course, but the Carranza and Villanueva cases prove that the objections of the prisoner had to be demonstrated as legitimate and this is further indicated when the troublesome Jesuit, Padre Juan Bautista Poza's extravagant Mariolatry was condemned at Rome and approved in Spain. It took seven years after his *Elucidarium Deiparæ* had been placed on the Roman Index, in 1628, before the Spanish Inquisition could be compelled by the nuncio to prosecute him for his rebellious defiance. When on trial by the Toledo tribunal, he recused the Inquisitor Cienfuegos; his reasons were examined by the Suprema, which consulted the other inquisitors and the recusation was sustained. How unusual was this proceeding is indicated by the boast of his triumphant brethren that this was

[1] Simancæ Enchirid. Tit. XLVII.

[2] Fuero Juzgo, Lib. II, Tit. i, ley 22.—Fuero Real, Lib. I, Tit. vii, ley 9.—Partidas, P. III, Tit. iv, ley 22.

[3] Instrucciones de 1561, § 52 (Arguello, fol. 34).

one of the remarkable events that had occurred in Spain.[1] Yet an incident in the trial of Fray Luis de Leon shows the advantage taken of any obstacle to prevent recusation. After two and a half years of seclusion in prison from the world, he asked to know the names of the existing inquisitor-general and members of the Suprema, in order that he might recuse any whom he regarded as inimical, yet this elementary piece of information was denied, in spite of repeated applications, in which his counsel joined, showing that the latter was debarred from telling him what was of public notoriety.[2] Strictly speaking, recusation was not a defence but merely a preliminary to it, and its rarity renders it of minor importance.

Of the pleas in abatement enumerated by Simancas, that of youth amounted to little for, as we have seen, as soon as the age of responsibility was reached, the offender was liable to punishment, and there was little mercy shown. In fact, there was a device, when the culprit was below the age of fourteen, of postponing the sentence until he had attained that age.[3]

Insanity was of much greater moment. The insane were recognized as irresponsible and were sent to hospitals. It was not infrequently pleaded, and the tribunals were constantly on the watch to protect themselves against deception, yet it was long before definite rules were adopted with regard to the matter. In the enlightened view taken by the Inquisition regarding witchcraft, instructions of 1537 indicate a disposition to regard reputed witches as insane; whenever the inquisitors considered this to be the case, all acts and words leading to such conclusion were to be scrupulously detailed in the records. Barcelona at the time had on hand a witch named Juana Rosquells, whom the physician and consultors considered to be out of her mind; not knowing what to do they referred to the Suprema, which ordered her discharge and somewhat inconsistently required her to be put under bail.[4] Even more tentative was the case of Toledo, in 1541, of Juan García, a day-laborer, favored with revelations of the wildest kind. In his audiences he replied unintelligibly to the questions asked and, when the case came before the consulta de fe, it summoned him and asked whether he would take a

[1] Cartas de Jesuitas (Mem. hist. español, XV, 112).
[2] Proceso contra Fr. Luis de Leon (Col. de Documentos, X, 567; XI, 23, 29).
[3] Arch. hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80
[4] Archivo de Simancas, Lib. 78, fol. 145, 146.

hundred lashes or confinement in a hospital. He very sensibly declined both, and the session terminated with a vote that his sanity be investigated. This was done in the most superficial way, the consulta de fe when reassembled voted to acquit him, with a warning that if he persisted in his wild talk he should have a hundred lashes, whether insane or not. He was accordingly told to be gone in God's name.[1]

There evidently was as yet no method prescribed for dealing with such cases and it is somewhat remarkable that the Instructions of 1561 allude only to those, by no means infrequent, in which prisoners became demented during trial, and in these it is only ordered that they be provided with a curador, which infers that the trial was to be continued.[2] In conformity with this, at Granada, in 1665, a prisoner who had become insane after confessing, was furnished with a curador under whose auspices the case was carried to conclusion. He was condemned as a heretic and his property was confiscated; as he had confessed and begged for mercy while still in his senses, he was absolved from censures so that he might enjoy the suffrages of the Church, while as to the penances requiring sanity for their performance, such as reconciliation, abjuration, exile, etc., their determination was postponed till he should regain his reason.[3] When madness occurred after conviction and sentence, Peña tells us that the execution should be postponed until the reason is restored, for perhaps the culprit may repent and he is sufficiently punished by the madness. Even when it is feigned this should be done, for it is a less evil that the crime should be unpunished than to destroy his soul by putting him to death impenitent. In any event confiscation is to be enforced.[4]

When the accused was decided to be insane the plan adopted was to transfer him to a hospital, but in 1570 the Suprema required to be consulted before this was done. Hospitals were not always willing to receive such patients, but they were constrained to do so, as appears by an order of the Suprema in 1574, in such a case.[5]

The diagnosis of insanity is sufficiently obscure to modern

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 114, n. 14.
[2] Instrucciones de 1561, § 60 (Arguello, fol. 35).
[3] Elucidationes Sti Officii, § 57 (Archivo de Alcalá, Hacienda, Leg. 544³, Lib 4).
[4] Pegnæ Comment. 22 in Eymerici Director. P. III.
[5] Archivo de Simancas, Inquisicion, Lib. 939, fol 92.

science, and it is not surprising that the Inquisition experienced difficulty in protecting itself against attempts at imposition, which were regarded as frequent. Peña informs us that insanity was always looked upon with suspicion, as probably fictitious, but he can only suggest that the gaolers should keep careful watch, and the inquisitors threaten or employ torture, to which there was no objection, unless there was risk of death, and which was an effective means of detecting imposture.[1] There was, in fact, as we have seen, no hesitation in having recourse to it when other means failed, but it is to the credit of the Inquisition that it was ready to exhaust all its resources in doubtful cases, to determine the question of sanity, however much its ultimate conclusions might be warped by prejudice or preconceptions.

An exceedingly illustrative case was that of Benito Ferrer, a wandering beggar, wearing priestly garments, arrested in Madrid, August 24, 1621, by the archiepiscopal police and confined in the spiritual prison. He was about to be discharged when, on September 20th, while mass was being celebrated in the oratory, he sprang forward at the elevation of the Host, snatched it from the hands of the celebrant, crushed it and cast part of it on the floor, exclaiming "O traitor God, now you shall pay me!" The sacrilege of course caused the greatest excitement and indignation. The archiepiscopal court took cognizance of the matter and was about to discharge Benito as crazy, when the Inquisition claimed him and sent him to Toledo for trial, with orders to push the case. Before leaving Madrid he was examined by the commissioner, when he asserted his entire sanity and explained his act by asserting that the Host was not consecrated, for the priest and everyone else whom he saw were enchanted demons.

Benito was undoubtedly a monomaniac for, in his subsequent audiences, he stated that, in 1609, he had been bewitched, since when everyone he met was a demon, with much other wild talk. His advocate asked for an investigation into his sanity, which was performed somewhat perfunctorily with the result that his extravagance was pronounced to be feigned. Still the consulta de fe, on November 23d, voted in discordia and the Suprema ordered further examination into his record and antecedents. Twenty years before, in his native Catalonia, he had endeavored to enter religion; two convents had refused to receive him and two

[1] Pegna, *loc. cit.*

others had expelled him after a few months. The tribunals of Valencia and Barcelona were set to work on these faint traces; the friars of that time were dead or scattered, but, after six months of search, two or three were found who vaguely remembered him as a melancholy person of little sense, who seemed to be possessed. Then followed further examinations of fellow-prisoners and physicians, concurring in the belief that his insanity was a fiction, and fruitless efforts were made to induce him to admit it. Another consulta de fe, held September 10, 1622, voted unanimously for relaxation, but the Suprema was not yet satisfied and ordered torture as a last resort. When the sentence was read to him he simply said that he was ready for what the Divine Majesty might be pleased to do with him. Then for three hours he was exposed to the extremity of torment, the blood dripping to the floor from his lacerated flesh, but, amid his shrieks and groans, nothing more could be extracted from him than "God suffered more; I am here to serve his pleasure" and an offer that, if they would give him a Bible, he would prove them all to be demons. If torture meant anything as a test, this proved his insanity to be real, but two days later a consulta de fe unanimously voted his relaxation as an *impenitente negativo*. Still the Suprema was not satisfied; it thought that the torture had been insufficient and it ordered him to be confined with persons of confidence, who should keep strict watch over him. Accordingly, on November 23d, his cell was changed and he was given as companions two friars and a physician awaiting trial, duly sworn and instructed. February 8, 1623, they were examined and pronounced him sane, but Dr. Antonio Gómez, who examined him, thought him liable to delusions; many persons, he said were sane in everything but one topic, on which they were insane. Still the Suprema hesitated and ordered continued observations, which were prolonged until November 4th, with the same result, when another consulta de fe unanimously voted for relaxation. The Suprema could hold out no longer against these repeated convictions; it confirmed the sentence and he was burnt alive as an impenitent, January 21, 1624.[1] Erroneous as the conclusion may seem to us, it was not reached without a prolonged and conscientious investigation, such as no other tribunal of the period would have given to such a case, though the

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. X.

archiepiscopal authorities were wiser, when they promptly recognized Benito's madness.

A nymphomaniac, in 1688, caused the Valencia tribunal an even longer term of perplexity. Francisca García was arrested, March 28th, as an *alumbrada*—one of the mystics against whom the Inquisition waged unrelenting warfare. She frankly admitted her sexual excesses, which she said were in obedience to the voice of God. During audiences at long intervals her talk was so irrational that insanity was suspected. Physicians were called in, who reported that she seemed to suffer from some mental weakness, and the alcaide said that he could not determine whether it was weakness or malice. Calificadores were consulted, who postponed for further decision the question whether she was hallucinated, crazy, or possessed. So it went on for two years and a half until, on September 19, 1690, it was resolved to keep her in prison but that, before presenting the accusation, another consultation with calificadores should he had. They examined her and reported that she cried aloud and wept and ejaculated and answered no questions directly, but still asserted that carnal indulgence was embracing God, so they reserved their opinions till another time. Eighteen months passed away and, in March, 1692, she sought an audience in which she threw herself on the ground and with tears begged to be taught; she knew that she ought to be content with her husband and, with screams and cries she declared that she could not resist temptation save with the aid of God. A consulta de fe was promptly held, and another in January, 1693, which could only recommend her detention, in view of the evils to be apprehended if she were allowed to communicate with others. Then two years and a half more elapsed, with occasional reports from the alcaide and secretary, to the effect that latterly the poor creature no longer talked lasciviously, in view of which it was voted, July 1, 1695, that the accusation should be presented and that calificadores should again examine her. To the report of this the Suprema replied in vigorous language, pointing out that this was only recommencing the eternal round, and that the case promised to be immortal; it ordered that the prosecution should be promptly carried on in the usual way and the sentence be submitted for its approbation. Here the record before us breaks off and the final action is unknown, but it is evident that the unfortunate woman was to be treated as responsible, the hesitation of the tribunal having only

resulted in her incarceration for more than seven years in a dungeon (*calabozo*) where, if not insane at first, she probably became so in the darkness and despair of interminable confinement.[1] However humane intentions might be, prejudice and ignorance misled them to cruelty.

It marks a progressive improvement when, in time, it became customary, on receiving a denunciation, to interrogate the informer whether he knew if the accused was a drunkard or suffered from any mental disturbance and, in instructions to commissioners in taking testimony, these inquiries were directed always to be made. This was a praiseworthy precaution, and the modern softening of temper produced a marked improvement in the treatment of the insane. This is well exhibited in 1818, in the case of Pedro Benito Lobariñas, in which the Suprema ordered the Santiago tribunal to treat him with especial kindness, and to give him every comfort compatible with his safe-keeping. Confidential persons, as well as the physicians, are to be admitted to him, who in friendly talk could form an estimate of his mental condition, while investigations were also to be made at his place of abode. Still, the outcome of the case shows the conflict between humanity and extreme dread of doctrinal error. His offence was simply some "propositions" and, in view of his sanity in all else, and his experience as a garden laborer, he was to be handed over to the gardener of some convent so walled as to prevent his escape, and to forbid his speaking with any one, so that he might have no chance to disseminate his heresies.[2]

As for the other pleas in abatement, such as intoxication, sudden anger, thoughtlessness, ignorance, jocularity and the like, they could only be advanced in minor cases, like blasphemy and propositions not involving formal heresy. In such matters they were often alleged in extenuation and were given more or less consideration, according to the temper of the tribunal, the penalties, not infrequently, being moderated in consequence.

Defence, when the accused denied the charge, was practically limited to *tachas* and *abonos*—the former being the disabling of witnesses by proving enmity or other disability, the latter

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 15; Leg. 12, n. 2, fol. 126.

[2] Archivo de Simancas, Inquisicion, Lib. 890.

being the accumulation of evidence to prove good character and assiduous religious observance. The *interrogatorio de indirectas*, to secure testimony disproving or explaining away specific accusations, was occasionally employed, and sometimes flaws or contradictions in the incriminating evidence were exposed, or an alibi might be proved when time and place were specified in the publication, but these cases were exceptional. In the great mass of trials on serious charges, no attempt at defence was made except by *tachas* and *abonos*. To the latter little attention was usually vouchsafed, and the struggle, as a rule, was over the former.

In this the defence was heavily handicapped by the suppression of witnesses' names and the garbling of evidence in the publication to protect them from recognition. While occasionally the accused could identify one or two, in general he could only grope blindly and indicate persons with whom he had quarrelled, in the desperate hope that they might chance to be those who had given damaging testimony. Slender as was the prospect of accomplishing this, it was rendered additionally difficult by the obstructions placed in the way of his obtaining and presenting his evidence. He was permitted only to furnish the names of those whom he suspected, with a list of the witnesses on whom he relied to prove enmity and a series of questions to be put to the latter who, during the years of his incarceration might have died or disappeared. We have seen how rigid were the qualifications exacted of witnesses for the defence, so that the inquisitor exercised his discretion as to whom he would admit, nor was he bound to put any interrogations which he deemed irrelevant, or of which he disapproved—indeed, it was held to be the duty of the inquisitor to expurgate the interrogatories and if, in those of *tachas*, there was anything affecting the reputation of a married woman, or the limpieza of a family, it was to be struck out.[1] The whole matter was absolutely in his hands and he could even refuse to admit the prisoner to any defence, as in the case of Martin de Jaen, a Morisco, burnt in the Toledo auto de fe of 1606, or Manuel de Mesones, penanced in that of 1610, on the ground that what they asked for was unnecessary or irrelevant.[2] When defence was permitted, neither the accused nor his advocate had the privilege

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

of examining such witnesses as were admitted, or of drawing forth all that they might have to tell. If they were residents of the city, the inquisitor would summon them; if at a distance, the interrogatories were sent to a commissioner; the witness, to each bald question, would answer yes or no, or perhaps might give some vague details or say that he knew nothing, and there the taking of testimony ended. If inquiries were directed against parties who had not testified, they were generally suppressed, although the instructions were to investigate them also, in order more perfectly to keep the accused in the dark, and it was also suggested that they be examined personally because, as enemies, they might have additional damaging testimony to give. When the witnesses for the defence, as frequently happened, were widely scattered, all this consumed considerable time, during which the prisoner in his cell was gnawing his heart in suspense, and when it was finished he was brought into the audience-chamber, curtly informed that what he had requested had been duly attended to, and asked if he had anything more to say. Under the Instructions of 1561, the results of the interrogations were carefully withheld from him as we have seen above (Vol. II, p. 543).

In this system, in which the burden of proof was thrown upon the accused, while he was crippled in every way as to the means of proving innocence, injustice could only be averted by judges acting virtually as counsel for the defence, in place of which they habitually served as parties to the prosecution. How it worked can best be understood by a few instances, with varying results.

In 1494, Diego Sánchez of Zamora was prosecuted for Judaism in the tribunal of Toledo. He had been trained, from his fourteenth year, in the cathedral, where he had risen, twenty years before, to the position of organist and beneficiary. There were but two witnesses against him—Pedro de Toledo, a chaplain of the archbishop, who testified to seeing him eat squabs on a Saturday and eggs in Lent and remove fat from meat. The other was María de Santa Cruz, a servant-girl, burnt for heresy, who on her way to the *quemadero*, being urged to clear her conscience by denouncing her accomplices, said that once when he was sick his father told him that he would not get well unless he sent some oil to the synagogue, whereupon he sent both oil and candles. She was beyond the reach of vengeance but, as usual, her name and the circumstances were suppressed. There is grim comedy in the efforts made by Sánchez and his advocate to unravel this

story. They repeatedly requested the dead witness to be recalled and re-examined and to have the date fixed, for Sánchez had once been delirious for some days and it might have occurred then; a formal series of interrogatories was drawn up to be put to her, and eight witnesses were to be examined to prove the truth of the delirium, all of which the inquisitors met with profound silence. Then, in hopes of discovering all possible enemies who might have testified, a long series of quarrels was detailed which he had had with members of his family and others. In this he chanced to stumble upon María de la Cruz, who had been his servant, but was a thief and, becoming pregnant, had accused a man-servant of his as the father. He dismissed them both, but took back the man; the girl fell into evil courses and was scourged through the streets, which she attributed to him and repeatedly threatened revenge. He failed to identify Pedro de Toledo, but he proved an irreproachable career in the cathedral for twenty-five years, and he escaped with abjuration *de levi* and suspension for a year from celebrating mass—enough to dishonor him.[1]

This hopeless floundering in the effort to rebut evidence of which the source was so carefully concealed appears still more strongly in the case of Diego de Uceda, in 1528, before the same tribunal, on a charge of Lutheranism, founded on a chance talk with a stranger at Cerezo, while travelling from Burgos to Córdova. The suppression of time and place and of details, in the publication, threw him on a false scent and he imagined the accusation to have arisen from a conversation some nights later at Guadarrama, with the Archpriest of Arjona, and all his energies were wasted on the attempt to prove that the latter talk was blameless, leaving the real testimony against him uncontroverted. It was a game at cross-purposes, in which the inquisitors allowed him to entangle himself hopelessly. Incidentally, the record affords a vivid picture of the agony of suspense endured by the prisoner in his cell during the inevitable delays arising from the method of procedure. He was chamberlain of Fernando de Córdova, clavero or treasurer of the Order of Calatrava; as such he had followed the court, and his witnesses *in abono* were necessarily scattered. Six months were consumed in finding them and securing their testimony, during which he sought repeated

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 183, n. 779.

audiences, imploring the inquisitors for the love of God to despatch his case. At one time a second messenger was sent at his expense, to Burgos and to Valladolid, with long instructions, and he counted the days that it would take at ten leagues a day, the customary allowance for foot-couriers. At last he was summoned to an audience and told that all his witnesses save four had been examined and he could name others in their place. This he declined; he had produced ample testimony as to character but of course had failed to rebut the evidence of the unknown witnesses who had denounced him. As we have already seen, he was tortured, confessed and revoked and was sentenced to appear in an auto de fe, to abjure *de vehementi*, with a fine of sixty ducats and some spiritual penances, leaving him a dishonored and ruined man for a few careless words to a stranger.[1]

It is to the credit of the tribunals that they seem generally ready to make all effort necessary to obtain the testimony of the witnesses whom they admitted. In 1573, the Suprema orders the Barcelona tribunal to advise a French prisoner so that he could procure from the King of France a safe-conduct for the persons whom he sends thither to procure evidence for him, and the receiver is instructed to pay sixty-four ducats for the expenses of the commission—of course out of the sequestrated property.[2] In 1682, in the trial at Barcelona of Margarita Altamira, a worthless woman, she named as a witness a day-laborer whom she knew only as Isidro. He was hunted for in the city without success and efforts were made to trace him. In Cardona an Isidro Giralt was found and examined but proved not to be the man. Then it was thought that he might be somewhere in the parish of Maya, and the commissioner of Solsona was ordered to find him and send him and his wife to Barcelona, but the search was vain and no one of the name could be found there. Margarita was then asked if she could give any further indications to aid in finding him: she thought that perhaps María Barranco might know something, but on investigation María was found to be dead. Then she mentioned other witnesses who could testify to her good character, and they were duly summoned and inter-

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 53.

[2] Archivo de Simancas, Inquisicion, Lib. 82, fol. 75, 76.—In 1574, however, in a similar case, the tribunal is ordered not to send to France.—Ibidem, fol. 125.

rogated.[1] All this was as it should be, but it depended on the temper of the tribunal and the prisoner had no power to help himself.

This customary defence of disabling the witnesses for enmity, although it was mostly blind groping to identify them, was sometimes successful. The most extensive use of the *tacha* that I have met occurs in the Toledo case of Gaspar Torralba, in 1531. His prosecution for Lutheranism was merely an effort to get rid of a troublesome and truculent neighbor, in the little village of Vayona, near Chinchon. There were thirty-five witnesses against him, for he was generally hated and feared. In his defence he enumerated no less than a hundred and fifty-two persons, including his wife and daughter, as his mortal enemies, and he gave the reason in each case which amply justified their enmity. In this comprehensive drag-net he succeeded in catching nearly all of the adverse witnesses and, in addition, he adduced *abonos* and *indirectas* to prove his orthodoxy and regular religious observance. The tribunal evidently recognized the nature of the accusation; he was admitted to bail, July 1, 1532, and finally escaped with a moderate penance.[2] Life must have been scarce worth living in Vayona when he was let loose.

At Valencia, in 1604, there was quite a group of cases showing successful disabling of witnesses among Moriscos. Gaspar Alcadi, accused by two women of saying that he did not believe in Christianity, identified them and proved enmity, so that his case was suspended. One woman accused two men, Vicente Sabdon and Fay Vicente and three women, Angela Bastant, Angela Barday and Gerónima Alamin, but they all succeeded in fastening it upon her and showing her hostility, with the result of a suspension of prosecutions. In 1607 there were several more cases of the same kind.[3] A still more striking instance occurred in 1658, at Valladolid, when a dissolute woman accused three men and thirteen women of Sanabria as Judaizers. They seem to have found little difficulty in identifying and disabling her and were all acquitted, February 1, 1659.[4] In general, however, the records show that the main recourse of the accused, in

[1] Proceso contra María Altamira, fol. 175, 178, 180 sqq (MSS. of Am. Philos. Society).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 71, fol. 66–72.

[3] Ibidem, Inquisicion de Valencia, Leg. 2, n. 7, fol. 10; n. 10, fol. 79.

[4] Archivo de Simancas, Inquisicion, Leg. 552, fol. 41.

seeking to identify and disable witnesses for enmity, was rarely successful.

After the wholesale forcible conversions of Jews and Moors a defence was sometimes advanced by the accused that he was not baptized and consequently not a Christian nor subject to the jurisdiction of the Inquisition. There were subtile questions involved in this, on which theologians were not wholly in accord, but in practice the main point turned on whether the fiscal was obliged to prove the baptism. Against this was urged a decree of Paul IV, in 1556, when some Portuguese in Italy defended themselves with this plea, and he ordered the prosecutions to proceed on the ground that, if they had not been baptized, they would not have been tolerated in Portugal. An old inquisitor, about 1640 says that in Saragossa he had a case of a Morisco who advanced such a plea and, on examination of his parish registers, no record of his baptism could be found, although there were those of his elder and younger brother. In spite of this, on the strength of the papal decision, the prosecution went on and his sentence of reconciliation was confirmed by the Suprema.[1]

In all this the function of the advocate was reduced to a minimum. He was to make no suggestions to his client except to confess; he was not to advise him to disable any of the witnesses or to name witnesses of his own. His sole duty, we are told, was to abandon a pertinacious heretic and to admonish a Christian to tell the truth. If he chanced to gain outside information, he was not to communicate it to the prisoner but to the inquisitors and, if any friend or kinsman spoke to him about the case, he was to say that he knew nothing of it. So, in the written defence which he was required to present, he could use no information of his own, for the accused alone could state facts, and the advocate could only set them forth. He could receive nothing from the prisoner or his friends, even after the case was ended; the tribunal fixed his fee, which was paid to him by the receiver.[2]

Under such circumstances the argument which he would frame was not likely to be of any benefit to his client. If he were young, bright and ambitious, he might endeavor to impress the tribunal

[1] Thomás Sánchez, In Præcepta Decalogi, Lib. II, Cap. vii, n. 36.—Simancas de Cath. Institt. Tit. XXXI, n. 5.—Bibl. nacional, MSS., V, 377, Cap. II, § 18.

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

with his ability, although the strict secrecy imposed deprived him of the incentive which publicity would give. For the most part, however, he would discharge his nominal duties with as little waste of energy as possible; he had nothing to gain by zeal, and would be careful not to offend the inquisitors and fiscal on whom he was dependent. While, therefore, we occasionally meet with a careful and well-reasoned argument, presenting the case of the accused in the most favorable light, and pointing out the irregularities and illegality and weakness of the evidence, in general the defence is perfunctory, of no real service to the accused, while ostensibly giving him the benefit of defence by a trained lawyer and enabling the tribunal to overrule what might be alleged in his favor.

Meanwhile, at each stage of the case, the accused was subjected to searching examination. By rule, this had to be conducted by the inquisitors, and if there were two, both were required to be present; as the Suprema declared, about 1520, this was necessary to enable them to vote intelligently.[1] The fiscal, very properly, was not allowed to be present, and the notaries or secretaries were ordered to confine themselves to their duties in recording and not to interpose questions. The general instructions for these examinations are praiseworthy. In 1518 the Suprema ordered the avoidance of superfluous questioning, as it might lead the accused to contradict himself through ignorance and, in 1529, as the result of a visitation of Saragossa, it rebuked the inquisitors for asking irrelevant questions instead of confining themselves to the subject matter, as required by the Instructions. The questions were to be clearly and intelligibly put, and the accused was to answer them categorically, yes or no. He was not to be deceived or misled by being made to believe that there was evidence where none existed, nor was he to be questioned about accomplices, unless there were sufficient indications concerning them.[2] Unlike the medieval Inquisition, where every kind of deceit was allowed to entrap the accused into compromising himself, the final rules, formally expressed by Pablo García, were that the inquisitors must carefully abstain from interrogating the prisoner about matters not included or indicated

[1] Archivo de Simancas, Inquisicion, Lib. 72, fol. 76.
[2] Ibidem, Lib. 76, fol. 227; Lib. 939, fol. 72, 95, 96.

in the evidence, and from leading him to believe that mere suspicions were knowledge founded on proof.[1] Yet, with marked inconsistency, the monitions with which the trials opened, assumed, as we have seen, the guilt of the prisoner, that ample information existed of it, and that his confession was wanted for his own salvation.

As a rule, in these earlier audiences, no questions were put except to ask the accused what he had remembered, and he was left to spontaneous confession, without a guide as to what was expected of him. Sometimes, however, in the later periods a special *audiencia de preguntas* was ordered, which might last for several days, as in the case of Beatriz López, at Valladolid, in 1697.[2] Ordinarily the real examinations began when the accused answered to the accusation, and were continued after his replies to the publication. At any time, moreover, if he made admissions or a partial confession, the opportunity was taken, by skilful questioning, to bring him, step by step, to full acknowledgement of his offences. In this, leading questions were forbidden. All examinations were to be searching and thorough and, in 1654, the Suprema complained that many crimes remained unpunished because of the carelessness and looseness with which this duty was performed. Inquisitors in general were, therefore, instructed to repeat their questions again and again, until every detail of time, place and circumstance was ascertained.[3]

When the prosecution and defence had thus exhausted all their resources, the latter was required to conclude and the case was pronounced to be concluded, although the fiscal could open it again, if new evidence appeared, and the accused could appeal from this as from all other sentences. It was then ripe for judgement, but the inquisitors were not authorized to pronounce sentence alone. The necessity for episcopal concurrence required the intervention of a representative of the bishop of the prisoner's diocese and, in addition, the rule of the Old Inquisition was preserved under which some graduates in law and theology were assembled to deliberate and vote with the others. These were called consultors and we have seen that they were a recognized

[1] Pablo García, Orden de Processar, fol. 13.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 52.

[3] Praxis procedendi, Cap. 8, n. 4 (Archivo hist. nacional, Inquisicion de Valencia).—Ibidem, Leg. 10, n. 2, fol. 36.

portion of the inquisitorial organization. The whole body formed what was known as the *consulta de fe*, in whose hands lay the fate of the accused. The number of consultors was uncertain. In 1488, at Barcelona, we hear of a consulta in which five masters of theology and five doctors of canon law were called in, and of another in which there were twelve of each, but such assemblies were unwieldy and, in 1596, the Suprema restricted the number to two theologians and three jurists. There was a scandalous practice allowed by the Instructions of 1561, of having the fiscal present without a vote, in order to give information—information which would be apt to expand into argument. Subsequently this seems to have been confined to some tribunals, but in all he could be called upon to elucidate any doubtful point, either orally or in writing.[1] No such privilege was allowed to the accused. Even lawyers who served as *abogados de los presos* were declared, in 1538, to be ineligible for service as consultors.[2]

In the imperfect records of the early trials, there is often no allusion to a consulta de fe, although the sentence generally contains the customary formula that it has been rendered with the advice of learned and God-fearing men. Even this is sometimes omitted, but it is probable that the formality was usually observed although, in the haste of those terrible days, it was, as a rule, little more than a formality. The ordinary custom was to assemble a consulta when a sufficient number of finished cases had accumulated to render an auto de fe desirable, and it could scarce find time for a conscientious scrutiny of the evidence. How business was sometimes despatched is seen in the preparations for the great auto de fe at Ciudad Real, February 23, 1484. Among the victims were Juan de Fez and his wife, on whom the consulta passed sentence, January 28th, although Juan had only confessed, under threat of torture, the day before, and it was not until February 6th that he ratified his confession, so that the condemnation was pronounced before the case was finished.[3] Yet discussion

[1] Carbonell de Gestis Hæret. (Col. de Documentos de la C. de Aragon, XXVIII, 12, 27).—Instrucciones de 1561, § 4 (Arguello, fol. 32).—MSS. of Royal Library of Copenhagen, 213 fol., p. 160; 218[b], p. 397.

When a similar abuse sprang up in the criminal courts of Catalonia, the fiscal was emphatically forbidden to be present at the voting of the judges.—Constitucions en la Cort en lany M D iii (Barcelona, 1540).

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 104.—*Abogados del fisco* however, were competent to serve.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 148, n. 267.

was not wholly wanting. In the case of Diego García, at the consulta held January 18, 1490, eight voted for torture and three for perpetual prison, but at a meeting next day they were unanimous for torture, which Diego endured without confession and thus escaped with moderate penance.[1]

In those early days it was possible, as the records inform us was done, to read the whole case from beginning to end, for, in those hurried proceedings, the records were brief. In later times when the documents of a trial extended perhaps over hundreds—or it might be thousands—of folios, this was manifestly impossible, and there was submitted to the consulta only an abstract containing what was deemed important, when of course it would be within the power of the tribunal to present it in such fashion as it desired. There was a salutary limitation on this by the Suprema, in 1560, when it forbade the preparation of these abstracts by the fiscal, but the necessity for such prohibition is suggestive of existing abuses.[2] Occasionally the consulta exercised the power of summoning and examining the accused, as we have seen in the case of Juan García, in 1541, when there were doubts as to his sanity. It did the same with Juan Vázquez, at Toledo in 1605, which resulted in dismissing the case.[3]

Whether, in these assemblies, the consultors had a deliberative or merely a consultative vote, was a matter of some discussion. In 1515, Cardinal Adrian, and in 1518 the Suprema, instructed inquisitors that though they must not render judgement without consulting jurists, they need not follow their advice, but could consult others and state the reasons for rejecting the previous opinions.[4] Arnaldo Albertino, on the contrary, after debating the question at length, decides that, under the canon law, inquisitors are bound by the majority vote.[5] This ignored the self-dependent organization of the Spanish Inquisition, and Rojas asserts positively that the vote of the consultors is consultative and not decisive.[6] Simancas decides that the true rule is that the inquisitors are not bound by the opinion of the consultors, although

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.

[2] Instrucciones de 1561, § 40 (Arguello, fol. 32).—Archivo de Simancas, Inquisicion, Lib. 939, fol. 68.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 104.

[5] Arnald. Albert. de Agnoscendis Assertionibus, Q. XXVI, n. 13, 15.

[6] Rojas de Hæret. P. I, n. 409, 422–3.

the question is debated; the Suprema instructed the tribunal of Córdova that, if the inquisitors and Ordinary are in accord, their opinion prevails over that of all the consultors, yet in Valladolid, unless there is a majority, even if the inquisitors and Ordinary agree, there is *discordia* and the case is referred to the Suprema.[1] All this was settled by the Instructions of 1561, which declared that, if the inquisitors and Ordinary were unanimous, their vote was decisive against consultors more numerous, but that, whenever there was discordia between the former, the matter was to be referred to the Suprema and, in important cases, even when there was unanimity, it was to be consulted before executing the vote.[2]

We have seen how the gradual centralization in the Suprema required all sentences, whether of torture or judgement, to receive its confirmation. Under this influence the consulta de fe declined in importance, and tribunals began to neglect the formality of summoning it or even of appointing consultors. The concurrence of the Ordinary was theoretically indispensable, but that sufficed, and the Suprema was quite content to overlook irregularities which marked the diminishing importance of the tribunals. Thus, in 1717, at Barcelona, in the case of Dr. Estevan Perpiñan for impeding the Inquisition, the Ordinary could not attend and the inquisitors voted on it alone; they could not agree on a sentence, and the Suprema sent the case back with orders to vote on it again, in conjunction with the Ordinary; they did so, but this time all three disagreed and the Suprema finally rendered the sentence.[3] It seems never to have thought of instructing them to call in experts and form a consulta de fe. Thus the time-honored institution, coeval with the establishment of the Inquisition in the thirteenth century, came to an end. In a series of votes of the tribunal of Madrid, extending through the eighteenth century, there is no indication of consultors being called in. Sometimes there are two inquisitors with the Ordinary and sometimes one; sometimes two inquisitors without the Ordinary, and occasionally, though rarely, a single inquisitor by himself.[4] In the enumeration of the personnel of all the tribunals, about the middle of the century, the insignificant one of Majorca had eight consultors, Granada had four, Córdova three, Valladolid, Cuenca and San-

[1] Simancæ de Cath. Institt. Tit. XLI, n. 11, 14.
[2] Instrucciones de 1561, § 66 (Arguello, fol. 36).
[3] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 71.
[4] Ibidem, Lib. 877, fol. 96.

tiago one each and the others had none. The institution was rapidly dying out and men no longer aspired to the honor of belonging to it. So it was under the Restoration. In the sentences of the period which I have seen there is no reference to it save in some pronounced by the Canary tribunal, which have the clause "without a consultor because it is united in the Ordinary."[1]

Before the Suprema had rendered the tribunals mere agencies for collecting evidence and attending to the formalities of trials, the consulta de fe may occasionally have been of service in preventing or diminishing injustice. Incidents related above show that the consultors formed opinions of their own, and that the votes were often far from unanimous. This was encouraged by the routine of voting, in which the consultors voted first and the senior inquisitor last, although doubtless, when there had been a preliminary discussion, the views of the inquisitors had been made known. Occasionally we meet with debates in which each member of the consulta accompanies his vote with an exposition of his reasons, and sometimes even with elaborate written opinions, showing a conscientious expenditure of thought and labor. Unfortunately, doubts and disagreements generally were compromised by recourse to torture, after which the consulta would be reconvened to formulate the definitive sentence.

Not the least cruel feature of the inquisitorial trial was the interminable delay to which the victim was commonly exposed. In ordinary criminal practice, especially in capital cases, the accused may seek perhaps to postpone the evil day, but in the Inquisition, where he was denied all communication with the outside world, and was kept in ignorance as to the progress of his own case, the agony of suspense concerning himself and those dear to him during dreary months and years was, in itself, a most severe and protracted punishment. This was thoroughly understood, not only from the repeated despairing cries of prisoners to have their cases despatched, but from the habitual promise of such despatch held out as an inducement for confession. The slow torture of delay was a well-understood device of the Old Inquisition to procure confession, when five, ten, or twenty years' interval between arrest and sentence was not infrequent,[2] but, except in special cases, this would not seem to be the motive in Spain. It is rather attributable to callous indifference and the

[1] Archivo de Simancas, Inquisicion, Lib. 890.

[2] History of Inquisition of the Middle Ages, I, 419.

habit of procrastination. The prisoner was presumably guilty and no good Christian need waste sympathy on the sufferings, mental and bodily, of a heretic too pertinacious for confession and conversion.

In Spain, speedy justice was constantly urged on the tribunals as soon as the mad rush of the early years was over. While this lasted such urgency was superfluous, for haste was necessitated by the enormous amount of work to be done, and was stimulated by impatience for the fines and confiscations, though the formalities of procedure were cumbrous and there were multitudes of cases jostling each other as they wore through their several stages. In the great auto de fe at Ciudad Real, February 23, 1484, where there were seventy-six burnings in person or in effigy, besides the large number of reconciliations, there could have been no time wasted on each case. Among those relaxed was Juan González Daza, whose trial commenced December 1, 1483, when the inquisitors granted nine days for presenting proof. On December 10th, the fiscal asked an extension of time in view of his other occupations and the absence of witnesses, but he was obliged to take an oath that these were his reasons and not malice. On December 8th evidence for the defence was already being taken before two deputies of the inquisitors and, on the 12th, that for the prosecution before two other deputies. Considering that human life was at stake, the work was most expeditious.[1]

Possibly this speed soon slackened; whether it did so or not, the Suprema was dissatisfied, for the Instructions of 1488 ordered that prisoners should not be worn out in gaol with postponements, and proceedings must be so prompt as to afford no cause of complaint. This urgency was repeated in the Instructions of 1498, which fixed a limit of ten days between arrest and the presentation of the accusation, during which the three monitions were to be given; after this cases were to be pushed with all despatch and without awaiting further proof, for this had led to prolonged detention, causing injury to persons as well as to property. Again, in 1500, the tribunals were ordered to proceed summarily and not to permit delays—all these instructions showing that the procrastination was attributable to the prosecution and not to the defence.[2]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 140, n. 162.—Cf. Leg. 148, n. 267; Leg. 154, n. 356.

[2] Instrucciones de 1488, § 3; de 1498, § 3 (Arguello, fol. 9, 12).—Instrucciones de 1500, § 6 (Vol. I, p. 580).

These instructions received scant obedience and the delays were felt as a serious grievance by the accused. In 1510 we have a petition to Ferdinand from five women appealing for a speedy decision of their cases, which had been "concluded," to which he responded by ordering the inquisitors to expedite them in accordance with justice.[1] So among the Aragonese petitions at the Córtes of Monzon, in 1533, is a complaint that the prisoners of the Inquisition were vexed with the prolonged delays in giving them the accusation and postponing the publication of evidence, wherefore the inquisitor-general was prayed to prescribe briefer terms. To this the reply was merely that provision would be made for the good administration of justice and the speedy disposition of cases.[2]

If there were any intention of fulfilling this promise it was resultless. Procrastination was habitual in all Spanish tribunals, as we learn from the repeated remonstrances of the Castilian Córtes of the period, which vainly represented that pleaders were impoverished and exhausted in the vain attempt to obtain justice, and that the gaols throughout the land were crowded with prisoners.[3] The Inquisition shared in this indifference to the sufferings of those in its hands; there were causes of delay in ratifying evidence and looking up the witnesses for the defence, and it had besides a practice, in all cases serious enough to appear in an auto de fe, of allowing them to accumulate until there were enough to render the solemnity impressive. This abuse was forbidden by the Suprema in 1518, 1532, 1539 and 1540, but its commands were disregarded.[4] That it was a real grievance is shown by a summons addressed, in 1534, by the Toledo fiscal to the Vicar-general Blas Ortiz, reciting that it was four years since the tribunal had celebrated an auto de fe; its prisoners were suffering much thereby in person, honor, and property, and the Inquisition was defamed in consequence. On the part of the accused and their kindred there had been bitter complaints to the inquisitor-general and Suprema, to the emperor and royal council, and to persons of influence, and three or four months ago the Suprema and inquisitor-general had come to Toledo to see what was the matter and had ordered the cases to be despatched and an auto

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 89.
[2] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 47, 48.
[3] Colmeiro, Córtes de Leon y de Castilla, II, 217, 234, 248, 264, 273–4.
[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 125.

de fe to be held. When, however, we learn that the concurrence of the vicar-general was needed only for the torture of nine persons and the sentencing of ten, we see how little occupation the tribunal had had during those four years, rendering the delay inexcusable, while moreover the effort to shift the blame on Blas Ortiz was transparent for, under the Clementines, inquisitors were required to wait only nine days for the Ordinary.[1] The custom of waiting for an auto de fe continued and if, in 1570, 1571 and 1577, there were repeated orders that the cases of poor prisoners should be despatched promptly, without holding them for an auto, this urgency savors more of thrift than of mercy, for it infers that the rich, who could defray their prison expenses, might linger.[2]

The provision that the accusation should be presented within ten days after arrest was repeated in 1518 and seems to have been considered as still in force in 1594, for its observance is included in interrogatories prepared for a visitation in that year, but the Instructions of 1561, while requiring the fiscal to present it within that limit, give discretion to the inquisitors as to the time of admitting the prisoner to an audience after his arrest, and prescribe no definite intervals between the monitions.[3] This discretion was abused to the utmost and the Suprema seems to have abandoned all effort to check procrastination, except in special cases which threatened to become immortal. The tribunals kept their unfortunate prisoners lying for months before granting the first audience and, as this required no preparation, its postponement was mere callous indifference without excuse. In a group of eight cases at Valladolid, in 1647, a year was allowed to elapse between the arrest and first audience, and subsequent intervals, varying from one month to eight, before the third monition which was synchronous with the accusation.[4] When there

[1] MSS. of Public Library of Toledo, Sala 5, Estante 11, Tab. 3.

[2] Archivo de Simancas, Inquisicion, Lib. 82, fol. 171; Lib. 939, fol. 125; Lib. 942, fol. 29; Lib. 979, fol. 38.

[3] Ibidem, Lib. 939, fol. 97.—Ibidem, Canarias, Exptes de Visitas, Leg. 250, Lib. 1, fol. 6.—Instrucciones de 1561, §§ 13, 15, 18 (Arguello, fol. 29).

[4] Archivo de Simancas, Inquisicion, Leg. 552, fol. 38. These cases are

	Arrest	1st Audience	2nd Audience	3rd Audience
Acacio Bautillo	Jan. 24, 1647	Jan. 14, 1648	Jan. 25, 1648	May 20, 1648
Ant. Rodríguez del Cano	" 18, "	" 9, "	" 25, "	June 4, "
Gaspar Rodríguez del Cano	" 25, "	" 13, "	Feb. 10, "	May 16, "
Juan de Isla	" 24, "	" 15, "	Jan. 25, "	July 8, "
Francisco de Herrera	" 26, "	" 27, "	Feb. 1, "	" 7, "
Gaspar de Herrera	" 25, "	" 27, "	" 1, "	May 16, "
Miguel Vázquez	" 28, "	" 22, "	Jan. 27, "	Nov. 16, "
Antonio de Espinosa	" 18, "	" 9, "	" 24, "	Feb. 17, "

was this heartless delay at the commencement of a case, it is not to be supposed that there would be any alacrity in speeding the subsequent stages of the cumbrous routine, or any conscientious awakening from the supine indifference of the tribunals, with their multitude of officials and diminishing work. I have already alluded to the Mexican case of Joseph Brunon de Vertiz, in which there was nothing to prevent a regular and speedy course of action; and a brief abstract of the successive steps of his trial will show how he was tortured through suspense and anxiety to death. Between January 25, 1650, and his end on April 30, 1656, he was but once summoned to an audience and then it was only to ask him whether he had anything more to say.[1] Similar examples can be cited in the Peninsula. Gabriel Escobar, a cleric in the lower Orders, was arrested by the Toledo tribunal in 1607, on a charge of Illuminism and, in 1622, he died in prison, leaving his trial unfinished.[2] On a similar charge, Vicente Hernan was

[1] 1649, Sept. 9. Arrest of Joseph Brunon de Vertiz.
Oct. 5 to Nov. 12. Numerous audiences.
Nov. 22. Audience at his request.
" 23 to Dec. 4. Five audiences on the inventory of his papers and effects.
1650, Jan. 25. Audience to ratify his confessions.
Feb 8. Audience at his request.
" 19. " " "
Mar. 23. " " "
June 9. " " "
Aug. 17. " " "
1651, Jan. 9, " " "
1652, April 19. " " "
May 11. Inquisitors visit the cells
" 27. Audience at his request.
1654, July 23. " " "
1655, Aug. 14. Summoned to audience to ask if he has more to say.
1656, April 26. Asks an audience in his cell as he is sick.
" 27. Audience granted by mistake.
" 30. His death.
1657, May 11. The fiscal presents the accusation.
1658, June 1. Citation to kindred issued.
Nov. 3. Citation published in Vera Cruz.
Dec. 10. His brother's procurator appears.
1659, Mar. 3. The fiscal asks that the procurator be sworn.
Oct. 22. Procurator and advocate sworn—defence abandoned.
Nov. — Auto de fe in which he is burnt in effigy.
(MSS. of David Fergusson Esq.)

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 114, n. 13.

arrested in Valencia, September 23, 1592, and on August 25, 1695, the Suprema took the tribunal to task, because the accusation had not yet been presented, and pointed out that two years and a half had elapsed since his last audience, and the case was no nearer an end than before.[1]

This procrastination continued to the end. A writer, about 1750, attributes the endless prolongation of the trials to the inefficiency of the inquisitors, and this again to the meagreness of the salaries, which prevents the selection of capable men, but the Suprema itself was frequently to blame by its delay in acting when everything had to be submitted to its approval. Thus when the Logroño tribunal sent to it, September 9, 1818, a *sumaria*, on statement of the evidence, against Fernando de la Hoceja for irreverence to the sacrament, it was not until June 9, 1819, that it ordered prosecution and, when Valladolid proposed, November 12, 1818, to grant *audiencias de cargos* to Lazaro Matilla, this was not confirmed until June 15, 1819.[2]

Prosecution of the absent and of the dead formed, especially in the earlier period, a large part of the work of the Inquisition. The sudden development of systematized persecution naturally caused the exodus of thousands of Conversos, in spite of the arbitrary measures adopted to prevent their escape, while the details adduced in the trials furnished evidence against other thousands, who had died in external orthodoxy. It was no part of the policy of either Church or State to condone the offences of the fugitive or of the dead. If the faith could not be vindicated by burning their bodies, it could at least exhume the bones of the departed for cremation and could symbolically consume with fire the effigies of those of whom neither the bodies nor the bones could be had, while the fisc gathered in the confiscations which followed on condemnation, including the collection of debts and the forfeiting of alienations.

In this there was nothing repugnant to the spirit of the age, or of the Latin systems of jurisprudence. In the spiritual sphere the Church had long been accustomed to pass judgement on those who had passed to the judgement-seat of God, and to exhume

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 12, n. 2, fol. 126.

[2] Bibl. nacional, MSS., Mm, 130.—Archivo de Simancas, Inquisicion, Lib. 890.

the remains of any heretic buried in consecrated ground.[1] The imperial jurisprudence was equally unforgiving in cases of *majestas*, or treason, in which the dead could be prosecuted and their estates be confiscated, and the Theodosian Code extended this to heresy.[2] As recently as 1600, in Scotland, the bodies of the Earl of Gowrie and his brother were brought into court to be present at their trial, and were duly sentenced to be hanged, quartered and gibbeted; in 1609, Robert Logan of Restalrig, three years after death, was accused of complicity in the Gowrie conspiracy, when his bones were exhumed to grace the trial in which he was convicted and his estate was confiscated.[3] As regards fugitives, in the Continental systems of criminal law it was regarded as absurd to allow contumacious absence to defeat justice. In Aragon the absentee was summoned at his domicile to appear within fifteen days, after which he was reputed contumacious and his trial proceeded, but he had the right, even after sentence, to return and appeal, on reimbursing to the accuser his expenses.[4]

The abundant harvest thus provided for the early Inquisition may be estimated from the statement by a contemporary that, at the Toledo auto de fe of July 25, 1485, there were burned the effigies of more than four hundred dead and as many in that of May 25, 1490. The ceremony was impressive. A great monument, covered with black, was erected in front of the staging occupied by the inquisitors. The sentence of each culprit was read and, as his name was called, the monument was opened and an effigy, arrayed in Jewish grave-clothes, was brought out and condemned as a heretic. Then a great fire was built in the centre of the plaza, and all the effigies were consumed, together with the disinterred bones. After this their names were announced in the cathedral, with a summons to the heirs to appear, within twenty days, and render an account of their inheritances which belonged to the king.[5] We might suspect these figures of exag-

[1] Innocent. PP. III Regest. IX, 213.—Cap. 12, Tit. XXVIII, Extra, Lib. III.—Cap. 2, Tit. 1, in Sexto Lib. V.

[2] Institt. IV, 18.—Digest. XLVIII, iv, 11.—Cod. IX, 8.—Cod. Theodos. I, v, 4.

[3] See an interesting paper by George Neilson Esq. (Legal Lore, London, 1897, p. 224) on the trial of the dead for high treason in England and Scotland.

[4] Fueros de Aragon, fol. 158, 204 (Zaragoza, 1624).—Observantiæ Regni Aragonum, Lib. VIII, De Contumacia, § 5.—Ordinacions del Regne de Mallorca, p. 224.—Ferrer, Methodus procedendi, fol. 49[b].

[5] Relacion de la Inquisicion Toledona (Boletin, XI, 301, 304–6).

geration were there not other evidences of the magnitude of the work in progress and of the informal haste with which it was conducted. In 1484, at Ciudad Real, a single proclamation to the children and heirs, to appear and defend the deceased, contains the names of sixty-one dead persons on trial and a single sentence condemns forty-two, with a common enumeration of the Judaizing practices asserted to be proved against them. In none of these cases did the children and heirs put in an appearance to defend the memory and fame of the dead.[1]

These reckless and indecent proceedings were based on the Instructions of 1484, which evidently reflect the current practice in ordering the prosecution of those who had been dead even for thirty or forty years, and their property with its fruits to be taken from whomsoever is found in possession, although a MS. copy contains a clause, omitted in the printed editions, exempting from confiscation property held in good faith by good Catholics, for fifty years or more.[2] In view of the activity at Ciudad Real and Toledo, it seems somewhat superfluous that Torquemada, in his supplementary Instructions of 1485, deemed it necessary to warn the tribunals that the prosecution of the living should not cause them to neglect the dead, so that their bodies may be disinterred and burnt and their property be seized by the fisc.[3] How far back the retroactive energy of the tribunals extended may be gathered from the case of Fernan Sánchez who had been converted about 1416, had lived as a Christian until his death in 1456, and who yet was disinterred and burnt and his estate confiscated by the tribunal of Cuenca and Sigüenza, probably about 1525.[4]

Notwithstanding the massing of cases in the citations and sentences, the formalities of the somewhat cumbrous procedure were duly observed. The trials were not speedy, but, as large numbers were in progress together, only the scantiest attention could be paid to each and the result was a foregone conclusion. A single case will illustrate the process. At Ciudad Real, August

[1] Ramon de Santa María (Boletin, XXII, 190–3, 204, 368–71).

[2] Instrucciones de 1484, § 20 (Arguello, fol. 7).—Archivo de Simancas, Inquisicion, Lib. 933.

[3] See Vol. I, Appendix, p. 577.

[4] Proceso contra Luis de Leon (Col. de Documentos, X, 150–1). See Vol. I, p. 546, for the period in which Sigüenza was conjoined with the tribunal of Cuenca.

8, 1484, the fiscal is recorded as appearing and saying that he desires to proceed against certain deceased persons and among them Beatris González. He asks the inquisitors to issue their letters of summons, citation and edict, so that the children, heirs, kindred and others who wish to defend their bodies and bones, their fame and property, may appear. The same day the edict is issued, directed to the representatives of Beatris and two others, some of the kindred addressed being named and others included under the generalization of parties interested. The edict recites that the fiscal is about to accuse Beatris and the others of Judaism, and asks to have them summoned in defence, wherefore they are cited to appear within thirty days after the edict is read to them, or before their house-doors, or published in the public square, or read in the church of San Pedro and affixed to one of its doors; if they come, they will be heard with the fiscal, and justice will be rendered; if they do not appear, the fiscal will be heard and the case will go on without them to the end. The thirty days constituted three terms of ten days each, at the end of each of which the fiscal appeared before the inquisitors and accused the *rebeldia* or contumacy of the parties cited and, at the end of the third, on September 6th, he presented the accusation, a copy of which was ordered to be given to the children, with nine days in which to answer it. At the expiration of this time, on September 14th, the fiscal accused the further rebeldia and concluded; the inquisitors received the case to proof and assigned thirty days for it. On October 20th, the fiscal presented four witnesses, who were separately and secretly examined by the inquisitors, the testimony consisting of the usual details of observing the Sabbath by lighting candles and wearing clean linen, with an intimation of having chickens killed by decapitation. Then followed an interval, until January 18, 1485, when the fiscal asked for publication of evidence. The inquisitors granted this, ordering copies given to him and to the children if they ask for it, and assigning a term of six days for concluding. On January 24th the fiscal accuses the persistent rebeldia and concludes; the inquisitors hold the children to be contumacious and conclude the case, assigning for sentence the third or any following day. All this was in preparation for the great auto de fe of March 15th, where the sentence was read, condemning in mass a large number of the dead, confiscating their property and ordering their bones to be

dug up and burnt.[1] This was the procedure under which thousands of the dead were condemned and their properties seized from the existing owners; the forms of justice were comfortably preserved; no heirs or children ventured to appear in defence, and the condemnation might as well have been pronounced at the beginning.

This facility offered temptations to act on insufficient evidence and occasionally, when persons of importance were concerned, there was a contest, as at Saragossa where, on March 10, 1491, the fiscal presented his *clamosa* against a number of the dead, whose representatives defended them with persistent energy until December, 1499, when there were eight condemnations and three acquittals.[2] Some check on the abuses inevitable to the system was attempted, in the reformatory Instructions of 1498, which order that no prosecution of the dead is to be commenced unless there is proof sufficiently complete for condemnation; the practice of suspending cases where proof is imperfect is prohibited, in view of the hardship endured by the heirs, who are unable to marry or to dispose of their property and, under such circumstances, acquittal is ordered. Procrastination and delay are also forbidden, and cases must be determined speedily.[3]

Sequestration under these circumstances inflicted great suffering until, as we have seen, in the Instructions of 1561, it came under the general prohibition of sequestrating property in the hands of third parties. By this time, prosecution of the dead had shrunk to an inconsiderable part of inquisitorial business, and this may possibly account for other ameliorations in procedure. The preliminary necessity of sufficing proof was insisted upon; pains were to be taken to ascertain whether there were descendants, so as to cite them in person; no one who appeared as a defender was to be refused, even though he might be a prisoner on trial, who could empower a representative; if no defender appeared, the inquisitor was to appoint a skilful and sufficient person, who was not an official of the tribunal.[4] By this time, also, another rule had established itself which diminished the number of prosecutions—that they could only lie for formal heresy. Crimes

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 137, n. 98; Leg. 165, n. 551.

[2] Bibliothèque nationale de France, fonds espagnol, 76, 77, 93.

[3] Instrucciones de 1498, § 4 (Arguello, fol. 12).

[4] Instrucciones de 1561, §§ 61–3 (Arguello, fol. 35).

involving suspicion of heresy, such as fautorship, receiving and defending heretics and many others, were excluded, for the reason that suspicion, however violent, was held to be extinguished by death.[1] It was also generally admitted that stronger proof was required for prosecution of the dead than of the living because, as Rojas explains it, *semiplena* or half-proof, suffices for the latter —apparently alluding to the fact that the dead could not be tortured.[2]

If they could not be tortured, so neither could they save themselves from relaxation by confession and abjuration. This naturally resulted in burning in effigy, except in the case of death during trial, when, if the prisoner had manifested repentance and sought readmission to the Church, his effigy was solemnly reconciled in the auto de fe, nor does this somewhat grotesque ceremony appear to have aroused a sense of incongruity. Death in prison, as we have seen, was by no means infrequent and, as the cases when once commenced were continued to the end, they furnish, during the later period, a considerable portion of the prosecutions of the dead. Suicide in prison was held to be confession of guilt and pertinacity.

The sentence pronounced on the dead was even more impressive than that on the living. It declared him to have lived and died a heretic, his memory and fame were condemned and his property was confiscated. "And we order that, on the day of the auto, an effigy representing his person shall be placed on the scaffold, with a mitre of condemnation and a sanbenito bearing on one side the insignia of the condemned and on the other a placard with his name, which effigy, after the reading of this our sentence, shall be delivered to the secular arm and justice, and his bones shall be disinterred, if they can be distinguished from those of faithful Christians, and be delivered to the said justice to be publicly burnt, in detestation of such great and grievous crimes. And, if there is any inscription on his tomb, or if his arms are anywhere displayed, they shall be erased, so that no memory of him shall remain on the face of the earth, except of our sentence and of the execution which we order in it. And,

[1] Simancæ de Cath. Institt., Tit. XVIII, n. 13.—Pegnæ Comment. 92 in Eymerici Direct., P. III.—Praxis procedendi, Cap. 7, n. 9 (Archivo hist. nacional, Inquisicion de Valencia).

[2] Rojas de Hæret. P. II, n. 30–31.—Simancæ, *op. cit.*, Tit. XVIII, n. 12.—Pegna, *ubi sup.*—Sousæ Aphoris. Inquisit. Lib II, Cap. 50, n. 11.

that it may the more remain in the memory of the living, we order that the said sanbenito or one like it, with the said insignia and name of the condemned, shall be placed in the cathedral or parochial church of ——, of which he was parishioner, in a prominent place where it shall remain for ever. Moreover we order that the children and the grandchildren by the male line, be deprived of all dignities and benefices and public positions that they possess, and be incapacitated for others, as well as to ride on horseback and carry arms and wear silk, camlet and fine cloth, gold, silver and corals and other things forbidden by the laws."[1]

We have already seen how numerous, in the opening years of the Inquisition, were the trials of absentees, as shown by the burning of their effigies in the autos de fe. This arose not only from the flight of those alarmed by the activity of persecution, but also from the investigation of the records of all who, for years before, had changed their places of residence or had betaken themselves to the Moors of Granada or beyond seas. This proportion of the early period was not maintained after the first hurried rush of expatriation was past, but still there continued to be many cases. When a Judaizer or Morisco was arrested, all who had been associated with him recognized the impending danger and, if there was possibility of concealment or of leaving the country, prudence counselled absence. The Inquisition sought energetically to trace those against whom evidence was obtained and, if it failed, it prosecuted them *in absentia*. In some respects this procedure differed from that in prosecution of the dead.

The Instructions of 1484 give minute and precise details with regard to it, pointing out three courses which may be followed. The first is recommended as the safest and least rigorous and is that furnished by the canon law in Cap. *Contumaciam* (Cap. 7, Tit. 2 in Sexto Lib. v) which provides that, as contumacy renders suspicion vehement, a man who is suspect in the faith is to be excommunicated, when, if he remains under the censure for a year, he is to be condemned as a heretic. Under this process, which conveniently converted suspicion into formal heresy, justifying condemnation, testimony was superfluous and conviction certain, so that, although it cost some delay, we can understand the preference expressed for it. It simply required the party to

[1] Pablo García, Orden de Processar, fol. 67–8.

be summoned, with the customary monitions, to defend himself in matters of faith and a special charge of heresy, under pain of excommunication. If he did not appear, the inquisitor ordered the fiscal to accuse his contumacy and to demand letters denouncing him as an excommunicate and then, if he persisted in his contumacy for a year, he was declared a formal heretic. The citations were made by the customary edicts, proclaimed and affixed to the church-doors of his domicile, and the excommunication was published in the churches with the customary solemnities.

The second method was more speedy and was adapted to cases where the heresy could be completely proved. The accused was cited by edict to appear and prove his innocence, with steps similar to those used in summoning defenders in prosecutions of the dead; when the terms allowed were passed, if the evidence was conclusive, the absentee could be condemned without further delay.

The third process was suitable for cases where the evidence, though incomplete, justified vehement presumption. An edict was issued against the accused summoning him to appear within a specified time and furnish canonical purgation, with notice that, if he did not present himself, or if he failed in his purgation, he would be held as convicted and be treated accordingly. This was the simplest and speediest, but the Instructions say that, although rigorous, it was well grounded in law, and inquisitors, at their discretion, could adopt either of the three courses as best adapted to the case in hand.[1]

The first of these methods, utilizing the device of contumacy became the one almost universally employed, when time was of no consequence but, in the impatient temper of the early period, speedier processes were preferred. The case of Sancho de Ciudad and Marí Díaz his wife, was tried by the second process and will serve as an illustration. Sancho was regidor of Ciudad Real and a well-known citizen. On November 14, 1483, the fiscal represented that many persons defamed for heresy had fled from the Inquisition, among whom notoriously were Sancho and his wife, whom he intended to accuse, and he asked the inquisitor, on receiving due proof, to cite them to appear. Two witnesses then deposed that it was notorious that they were absent and, as they had departed about fifteen days before the Inquisition came, it

[1] Instrucciones de 1484, § 19 (Arguello, fol. 7).

presumably was through fear. The edict was issued and the case took its course, all citations and summonses being gravely pronounced before Sancho's house by a notary as though he were personally on trial. When the case reached the stage of proof, the fiscal presented thirty-four witnesses—the most damaging one being Sancho's daughter Catalina, who gave the names of her brothers and of numerous others accustomed to assemble in her father's house to participate in Jewish ceremonies. All the formalities of the trial were observed and duly notified before Sancho's door. By January 22, 1484, the consulta de fe voted for relaxation, which Sancho was duly summoned to hear read, and it was read in the audience-chamber, January 30th, empowering the authorities of any place, where Sancho and his wife might be found, to inflict on them the penalties of the law, and meanwhile, as their persons could not be had, it ordered their effigies then present, to be subjected to the execution of the said penalties.[1]

If there is something grotesque in all this, at least the proceedings were decently in order and, if Sancho and his wife had cared to risk it, they could have been heard. How hurried and informal the process sometimes was is manifested by a case at Guadalupe in 1485. On July 13th three witnesses were heard as to ten persons who had left that place from twelve to sixteen years before, and of whom public fame reported that they had gone to Málaga or to some other Moorish town, and had turned Jews. On July 21st the fiscal presented his accusation, asking for sentence without previous citation or other notice, because by law in such cases and crimes of heresy, when notoriety is proved, nothing further is required. This was expressly assented to in the sentence, although it alluded to some kind of citation with three terms, published in the plaza and affixed to the church-doors, and also to a consulta de fe, but all this was probably mythical for, in an auto de fe held on August 1st, seven of the parties were included in one sentence, their effigies were relaxed to the secular arm and their property was declared to be confiscated, while judges everywhere were empowered to seize and proceed against them.[2] Neither of the three methods described in the Instructions of 1484 could have been employed in the interval of eighteen days between denunciation and execution, but, as one of the inquisitors

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 139, n. 145.
[2] Ibidem, Leg. 177, n. 702.

was Francisco de la Fuente, an experienced judge from the tribunal of Ciudad Real, we must presume that there was nothing irregular in this quick despatch.

Although in these sentences the condemned is abandoned to any secular justice for burning, the whole proceeding was merely designed to secure the confiscations and enhance the solemnities of the autos de fe with additional comburation of effigies. Its nullity in other respects was admitted by the rule that, if a culprit who had been burnt in effigy should return spontaneously, confessing and repenting, he could be admitted to reconciliation or, if he asserted his innocence, he was to be heard in his defence. This was decreed by Torquemada, October 10, 1493, with the reservation that it was a matter of grace and did not affect the confiscation. In 1494 there was a further provision that, if the condemnation had been the result of false-witness, it was the duty of the inquisitors to revoke the sentence *ex officio*, without awaiting the appearance of the convict.[1]

No change of importance was introduced in the procedure by the Instructions of 1561. In practice, the prosecution for contumacy was the one ordinarily employed; the second method was sometimes used when the testimony was complete and the third, summoning the accused to compurgation, became obsolete. The formula of the sentence, in the first method, avoids all allusion to the crimes alleged against the accused and bases the condemnation wholly on his remaining for a year under excommunication, thus proving himself to be an apostate heretic, the penalties for which are to be executed on his person, if it can be had and, in his absence, upon the effigy representing him.[2]

Of course condemnation to the stake was inevitable, when once the process was commenced, whether there was substantial evidence against the accused or not. Some authorities held that, whenever he could be caught, he was to be burnt, but Simancas expresses the considerate practice of the Inquisition in assuming that he is entitled to a hearing, whether he presents himself spontaneously or is captured, for there is no prescription of time against defence; if he comes within a year he can plead against confiscation, but after the year he can be heard only as to himself,

[1] Archivo de Simancas, Inquisicion, Lib. 979, fol. 39; Lib. 933.

[2] Ibidem, Lib. 979, fol. 37.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).—Pablo García, Orden de Processar, fol. 53–4.

unless he is manifestly innocent or has been detained by a just impediment.[1] It may justly be doubted whether any fugitive was ever burnt for contumacy, and the ordinary practice is seen in the case of nine Judaizers of Beas, whose arrest was ordered by the tribunal of Murcia, April 5, 1656. When the warrants reached Beas, April 12, they were found to have departed secretly about the end of February. Five of them were traced to Málaga and four were reported to have gone to Pietrabuena, but all efforts to capture them failed and, on July 27th, the fiscal asked for edicts of citation. The regular process in contumacy followed leisurely, ending in a sentence of relaxation if the culprits should be found and if not, that their effigies should be burnt. This was confirmed by the Suprema and was pronounced December 5, 1659, and executed April 13, 1660, in an auto de fe at Seville. Nearly twenty years later two of the fugitives, Ana Enríquez and her husband Diego Rodríguez Silva, were arrested at Daimiel. They were tried anew; the previous records were brought from Murcia and used, as well as evidence concerning their career during the interval. There was no thought of executing the former sentence; the consulta de fe voted for reconciliation with two years of prison and sanbenito, which the Suprema changed to perpetual irremissible, and it was duly published in an auto de fe of December 17, 1679.[2]

Dilatory as were the proceedings *in absentia* in this case, they were speedy when compared with some others. The Valladolid tribunal issued a warrant of arrest against the Capitan Enrique Enríquez, June 6, 1650, but he eluded it. His trial for contumacy dragged on until July 30, 1659, when sentence was rendered, confirmed by the Suprema November 24th and sent to Seville, to be executed in the auto de fe of April 13, 1660.[3] It would appear that these delays did not please the Suprema for, in 1666, it called upon the tribunals to report the sentences agreed upon against the absent and dead and to push forward all unfinished trials. To this Barcelona replied that it had in hand three cases of absentees guilty of "propositions," two of bigamy, one of a fraile who was said to have fled to France in order to embrace

[1] Miguel Calvo (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Simancæ de Cath. Institt. Tit. II, n. 20, 21.

[2] Proceso contra Diego Rodriguez Silva, fol. 27–34; Proceso contra Ana Enríquez, fol. 158 (MSS. *penes me*).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 43.

Protestantism, and another of a dead Huguenot—all of which would indicate that these cases constituted a considerable portion of the diminishing business of the tribunals. The Suprema thereupon ordered that if, on examination, prosecution appeared to be called for, the cases should be followed up closely to a vote in the consulta de fe, which was to be submitted to it for decision.[1]

Effigies of the dead and absent continued to be one of the attractions of the autos de fe. In the great Madrid celebration of 1680, the procession was headed with thirty-four, of which all but two were burnt; they bore mitres with flames, on their breasts were placards with their names in large letters and some of them carried chests containing their bones.[2] At that of Granada, in 1721, there were no living persons burnt, but there were seven effigies, and the chronicler of the occasion assures us that the glory of Catholic zeal is acquired as much by carrying to the flames the dead as the living and, in this case, the inquisitors, the alguacil mayor and the secretaries bore them in the procession. Fired by this example, after the sentences were read, the ministers of the royal chancellería exultingly carried them from the staging to the brasero where they were burnt.[3] Even as late as 1752, at Llerena, there were six effigies of fugitives and one of a dead woman.[4]

It will be seen from this presentation of facts from the records that the inquisitorial process, as developed in the Spanish Holy Office, so far from being the benignant and equitable procedure asserted by its representatives and re-echoed by modern apologists, was one which violated every principle of justice. The guilt of the accused was assumed in advance; the prosecution was favored in every way; the defence was so crippled as to be scarce more than a pretext, while the judge, who was in reality the prosecutor, was shielded, by impenetrable secrecy, from all responsibility except to the Suprema. Many cases cited above show that the arbitrary power thus conferred was not always

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 11, n. 2, fol. 122.—Libro XIII de Cartas, fol. 184 (MSS. of Am. Philos. Society).

[2] Olmo, Relacion del Auto, etc., pp. 101–2.

[3] Royal Library of Berlin, Qt. 9548.

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).

abused, for the individuals were not necessarily as vicious as the system, but the power existed and its exercise for good or for evil depended on temperament and temptation.[1]

[1] Llorente (Hist. crít. Cap. xliv, Art. 1, n. 38, 39, 40) quotes from the *Gazette de France* an account of a reform in the procedure of the Roman Inquisition in 1816, assimilating it to that of the secular courts, a reform which was to be extended to the Inquisition everywhere. There is no trace of such action in the Bullarium of Pius VII or in the Collectio Lacensis. If it was enforced in Italy, the Spanish Holy Office paid no attention to it

BOOK VII.

PUNISHMENT.

CHAPTER I.

THE SENTENCE.

In the infliction of punishment, the Inquisition differed from secular courts in one important respect. Public law provided for impenitent heresy death by fire and confiscation, and visited on the penitent and on descendants certain disabilities, but apart from these, in its extensive field of jurisdiction over penitent heresy, suspected heresy and other offences, the Inquisition had full discretion and was bound by no rules. It was the only tribunal known to the civilized world which prescribed penalties and modified them at its will. In this, as in so much else, it combined the legislative and the executive functions.[1]

The culmination of the work of the tribunal was the sentence which embodied the result of its labors and decided the fate of the accused. In all cases that appeared in public autos de fe, the sentence was publicly read, and the opportunity was not lost of impressing on the minds of the people the lofty duties of the Holy Office and the enormity of the guilt which merited such chastisement. It afforded an occasion for the display of power, which was turned to the best account.

There were two forms of sentence—*con meritos* and *sin meritos*. The former recited at length the misdeeds of the culprit; the latter was briefer and merely stated the character of the offence. The consulta de fe, when it agreed upon a verdict, usually defined which form should be used, and also whether or not the culprit should appear in a public auto. This, in

[1] In the Appendix will be found some fragmentary statistics illustrating the comparative frequency of the various punishments inflicted by the Inquisition.

itself, was a severe infliction, aggravated by the reading of a sentence *con meritos*. For lighter cases the sentence was read in an *auto particular*, in the audience-chamber, of which there were several varieties, as will be seen hereafter.

The sentence *con meritos* commenced with a full recital of the details of the trial, through all the various steps of the cumbrous process, represented as a suit between the fiscal and the accused, and it specified the crimes proved against or confessed by the culprit. It was thus sometimes enormously long. In the famous case of Magdalena de la Cruz, a fraudulent *beata revelandera*, whose fictitious sanctity and miracles had deceived all Spain throughout a long career, the reading of the sentence at Córdova, May 13, 1546, occupied from six in the morning until four in the afternoon.[1] In the sentence of Don Pablo de Soto, convicted of bigamy at Lima, in 1761, all the examinations are detailed at full length, including information volunteered by him concerning persons and matters in no way connected with the case; the secretary appears to have copied verbatim the records of the successive audiences, as though to prolong the shame of the penitent.[2] After these prolix recitals there followed the verdict "Christi nomine invocato," in which, if the trial had resulted in conviction, the inquisitors found that the fiscal had duly proved his charges, wherefore they must declare the accused guilty of the heresy alleged, with its corresponding penalties.[3]

As a rule, prisoners were left in ignorance of their fate until, on the morning of the auto de fe, they were prepared for it by being arrayed in the insignia which designated their punishments. So jealously were they kept in the dark that, when the customary proclamation was made of an auto, fifteen days in advance, with drum and trumpet, the officials were not allowed to approach the Inquisition, lest the inmates should hear the sounds and guess what was in preparation. At the great auto of Lima, in 1639, we are told that, when the proclamation was made, the negro assistants of the gaoler were shut up in a place where they could not hear it, so that they might not carry the information to the prisoners, and the workmen employed in making the mitres,

[1] Bibl. nationale de France, fonds espagnol, 354, fol. 248–69.

[2] MSS. of Bibl. nacional de Lima.

[3] See Appendix for a specimen of the conclusion of a sentence.

sanbenitos and crosses were assigned a room in the Inquisition where they could labor unseen, under an oath of secrecy.[1] The effect of the sudden revelation, when it came, is indicated in the advice that it was better to give to those who were to appear their breakfasts in their cells than to wait until they were all brought together for the procession, for then there was shame and confusion and suffering, the fathers seeing their sons and the daughters their mothers in the sanbenitos and other insignia that designated their punishments.[2] The despair induced by the preceding long-drawn suspense occasionally found expression, as in the case of Diego González, who was reconciled for Judaism in the Valladolid auto of July 25, 1644. On the morning of that day, when the gaoler entered his cell to give him breakfast, he was found pale and faint, with the blood flowing freely from a wound in his arm, made with a nail from his bedstead, under the impression that he was to be burnt, and he had to be carried to the solemnity in a sedan-chair. Llorente recounts a similar case, of which he was an eyewitness, in 1791, when a Frenchman named Michel Maffre des Rieux hanged himself in consequence of being thus kept in ignorance.[3]

The object of the delay in thus communicating the sentence was to prevent appeals to the Suprema. We have seen how, in opposing appeals to Rome, the Inquisition and the monarchs argued that they were wholly superfluous, in view of the appellate jurisdiction of the inquisitor-general, who was always prompt to rectify injustice committed by the tribunals, but this nominal opportunity was rendered for the most part illusory by this device of withholding knowledge of the sentence until appeal was impossible. This came about by degrees. Originally it would seem that the tribunals exercised discretion as to withholding the sentence until the auto, although exceptions were rare. The Instructions of 1561, while admitting a right of appeal in some cases, nullified it by ordering, in such cases, the tribunals to send the proceedings in advance to the Suprema, without allowing the accused to know of it.[4] There evidently were contending influences, of justice on one side and convenience on the other, for in 1568 it was ordered that, in cases not of heresy,

[1] Medina, Historia de la Inquisicion de Lima, II, 108, 109

[2] Archivo de Simancas, Inquisicion, Lib. 979, fol. 40.

[3] Ibidem, Legajo 552, fol. 33.—Llorente, Hist. crít. Cap. IX, Art. XV.

[4] Instrucciones de 1561, § 51 (Arguello, fol. 54).

when the penalty was arbitrary, the culprit should be notified in advance of the auto de fe, and this was extended, in 1573, by instructions that, in cases admitting appeal, the parties should be notified in time to enable them to do so. This concession to justice caused trouble and, on April 11, 1577 the tribunals were ordered to report on the evils arising from it. Apparently the inquisitors reported adversely for, on September 18th, they were ordered to return to the former practice of not notifying culprits prior to the auto de fe.[1]

There was, however, quite an extensive class of cases in which the right of appeal was not completely cut off by this. These were the more trivial ones, in which the sentence was rendered in the audience-chamber, and in these both parties, the culprit and the fiscal, were required to assent on the spot, when either could appeal, for the fiscal had the same right as his opponent; it was included, in the commission issued to fiscals, in the long enumeration of their powers and duties, and was a right not infrequently exercised.[2] Although the culprit thus had an opportunity to appeal, he was obliged to act without advice. In the case of María Cazalla, in Toledo, December 19, 1534, when called upon to assent to her sentence in the audience-chamber, she asked for delay; then, in the afternoon, she begged to be allowed to consult her husband or her counsel and, on this being refused, she accepted the sentence.[3] Still, as public autos diminished and private *autillos* multiplied, the opportunity for appeals became more frequent and were sometimes successful.

This was more apt to benefit ecclesiastics than laymen for, except in cases involving degradation, they were never exhibited in public autos; their sentences were read in the audience-chamber, and they were more likely than the ordinary culprit to possess the education and intelligence requisite to profit by the opportunity. Cases of appeal by them are consequently not infrequent. Fray Lucas de Allende, Guardian of the Franciscan convent of Madrid, was one of the dupes of Lucrecia de Leon, an impostor who pretended in dreams to have converse with God and the saints. He busied himself in writing out her revelations and was tried at Toledo, where he lay in prison from June, 1590, until April, 1596. He was sentenced to a

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 112; Lib. 979, fol. 31, 38.
[2] Ibidem, Sala 40, Lib. 4, fol. 187.
[3] Melgares Marin, Procedimientos de la Inquisicion, II, 153.

reprimand and warning not to meddle with such matters, to accept certain definitions laid down by the tribunal, and to strict reclusion in a convent for a year. He vigorously protested that the sentence was absurd and he appealed from it, to which the fiscal retorted by likewise interjecting an appeal. The Suprema heard both appeals and decided, July 30, 1596, by confirming the sentence as to reprimand and warning, and omitting the rest. Even this did not satisfy the obstinate Franciscan for when read to him, August 2d, he refused to accept it and appealed to the pope, but, on being warned to reflect well, he on the same day withdrew this appeal and submitted. There can be little doubt however that the inquisitors suppressed the revocation of part of the sentence, for there follows a petition from him to be allowed to visit his native Villarubia before entering upon his reclusion, deceit of this kind being perfectly practicable in the profound secrecy of the tribunals.[1] More successful was the Geronimite Fray Martin de Cazares, prosecuted in Valladolid for superstitious curing of the sick and sentenced, in 1655, to reprimand and four years' exile from certain places. The Suprema had confirmed the sentence and yet on appeal from him it remitted the exile.[2] By this time the Suprema was supervising all action of the tribunals and, as it gradually became the whole Inquisition, appeals grew to be superfluous, yet the custom of withholding the sentence was persistent.

There was one class of cases, however, in which notification of the sentence was always made prior to the auto de fe—those in which the culprit was condemned to relaxation. The object of this was to give him a chance of saving his soul by confession and conversion; in the earlier period the notification was short, being only at midnight before the auto, but this, as we shall see hereafter, was subsequently extended to three days.

In the medieval Inquisition, the inquisitor, when rendering sentence, always reserved the right to modify it, in the direction either of mercy or of severity, or to remove it wholly. He could do this, for he was practically independent and irresponsible to any superior, the only authority over him being the distant and almost inaccessible

[1] Archivo de Simancas, Inquisicion de Toledo, Leg. 428.

For a brief account of Lucrecia de Leon see the author's "Chapters from the Religious History of Spain," p. 359.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 40

Holy See. The Spanish inquisitor occupied a wholly different position, being held in strict and constantly increasing subordination to the Suprema and, as commutations early became a source of large revenue, it is easy to understand that the tribunals were not permitted to participate in the proceeds. Already in 1498, the Instructions thus undertook to limit the power of inquisitors to modify sentences, by ordering that they should not grant commutations for money or favor or without just cause and, when such existed, the commutation must be into fasts, almsgiving and other pious uses; there could be no release from wearing the sanbenito and the rehabilitation of descendants was reserved for the inquisitor-general.[1] It was difficult to enforce restrictions which recognized any right of inquisitors to modify sentences and, in 1513, Ximenes deprived them of it wholly and concentrated the power in the hands of the inquisitor-general.[2] It was wholly a matter of finance and we have seen (Book v, Chap. iii) how it was thenceforth utilized. The tribunal was recognized to have no power to modify a sentence when once pronounced; as an experienced writer says, although by common law inquisitors and Ordinaries can change or mitigate sentences, it is otherwise under the Instructions which declare that this is reserved for the inquisitor-general, the reason being that they have exhausted their powers.[3]

In the Indies, where distance rendered application to the Suprema virtually impossible, the tribunals seem to have retained the power of modifying sentences, even though they may rarely have exercised it. In 1663 an old woman, known as Isabel de Montoya, tried for sorcery in Mexico, was sentenced to appear in an auto de fe with the sanbenito, to receive two hundred lashes and to serve for life in a hospital. In the audience-chamber, November 5th, the sentence was read to her, in presence of the fiscal and her advocate. With the assent of the latter, she begged that the sanbenito and the scourging be omitted; she had only been an impostor and had had no pact, expressed or implied, with the demon, and in view of her age and sickness and crippling in the torture she supplicated mercy. On November 7th the fiscal replied to this, asking an aggravation of punishment because it proved her to be an impenitent in denying her pact and intention. November 21st the consulta de fe assembled and unanimously confirmed its former sentence.

[1] Instrucciones de 1498, ¶ 6 (Arguello, fol. 12–13).

[2] Llorente, Añales, II, 31.

[3] Elucidationes Sti Officii, ¶ 27 (Archivo de Alcalá, Hacienda, Leg 544², Lib. 4).

The auto de fe was not celebrated until May 4, 1664; on the 6th she was duly scourged through the streets and on the 15th she was delivered to the Hospital del Amor de Dios. Her pitiful prayer, urging age and sickness, was justified for, on June 17th, a messenger from the hospital announced her death, and the inquisitors briefly ordered it to bury her.[1]

As regards cruelty, it is impossible to generalize, where in the earlier periods so much discretion was allowed to the tribunals, and so much depended on the temper of the inquisitors, who might be stern or humane. In the case of the obstinate heretic or of the *impenitente negativo* there was no question; the law of the land and universal public opinion alike condemned him to the stake but, in the wide sphere of the penitent heretic and of the numerous offences of which the Inquisition had cognizance, there was an ample field for the display of severity or benignity. Against the barbarity of a case like that of Isabel de Montoya, which had too many parallels, may be set the tendencies of the Toledo tribunal about 1600. In its reports to the Suprema at that period there frequently occur explanatory remarks, as though to apologize for the mildness of the sentences, which indicate its readiness to temper its judgements—such expressions as "she was a poor and ignorant woman," "she was simple and ignorant," "she was spared heavier penance because she was only sixteen years old," "she seemed a very simple and a very good woman," "recent baptism and drunkenness." Occasionally, in bigamy cases, involving scourging and the galleys according to rule, the omission of these is justified by the age or weakness of the culprit. Sometimes, but not often, the suffering which the prisoner has endured during prolonged imprisonment is taken into consideration, and is admitted as part of the punishment.[2] This tendency towards mercy becomes more marked in the period of decadence, when the humanitarian development of the age made itself felt even in the Inquisition, and it offers a suggestive contrast to the savage fanaticism of the secular courts of a land which claimed to be more enlightened than Spain. In 1765 a wooden crucifix on the bridge at Abbeville was mutilated and the Bishop of Amiens published a *monitoire* ordering, under pain of excommunication, any one having knowledge of the matter

[1] Proceso contra Isabel de Montoya, fol. 318–26, 342–5, 348 (MS. *penes me*).
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

to denounce the offender. Duval de Saucourt, a counsellor in the court of Abbeville, who was inimical to the Abbess of Villancourt, accused her nephew, the Chevalier de la Barre, a youth of nineteen. The only evidence was that he had once passed a procession without lifting his hat, that he had talked against the Eucharist and had sung impious and licentious songs. He was doubtless irreligious and debauched, and his evil reputation sufficed, in the court of Abbeville, to justify a sentence of amputating his tongue and right hand and burning him alive. Appeal was made to the Parlement of Paris which, by a vote of fifteen to ten, confirmed the sentence, with the mitigation of beheading before concremation and this was duly executed, July 1, 1766.[1] The annals of the Spanish Inquisition offer nothing more hideous than this, and the comparison is the more instructive in that its penalty for sacrilegiously outraging an image of Christ, the Virgin or the saints, with aggravating circumstances, was merely appearance in an auto de fe with the insignia of a blasphemer, abjuration *de levi* and a hundred lashes or vergüenza or exile, according to the character of the offence and of the culprit.[2]

The Inquisition boasted that it was no respecter of persons and, in one point at least, its rules offer a favorable contrast to those of the secular law. In Spanish law the privileges of gentility were fully recognized and, for many crimes, the penalties assigned to gentle blood were much milder than those inflicted on the commonalty. This was reversed in the Inquisition, where it was prescribed that, in matters of faith, nobles should be punished more severely than plebeians.[3] This was doubtless owing to the assumption that they were more intelligently trained and less exposed to error, besides the fact that their example was more impressive. On the other hand, however, the clergy, for whom less excuse could be found, were treated with much greater leniency than the laity and, far from being utilized as examples, their frailties and errors were shielded as much as possible from public view, in order not to diminish popular reverence for the Church.

The penal resources of the Inquisition, as we shall see, were endless. While, for certain well-defined offences, certain penalties were customary, the discretion of the consultas de fe was bound

[1] Biographie universelle, s. v. *Barre*.—L'Oiseleur, Les Crimes et les Peines, p. 232 (Paris, 1863).

[2] Elucidationes Sti Officii, § 41 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).

[3] Ibidem, § 32

by no definite limitations as to what were known as *penas extraordinarias*, and they could devise whatever seemed appropriate to special cases. Infinite gradations and intricate combinations were resorted to in the effort to fit the penalty to the offence of each individual, and also doubtless often to secure unanimity in the consulta de fe, so that not infrequently there are six or eight separate and distinct inflictions in a single sentence. It would be too much to expect that, in so composite an institution, during more than three centuries of existence, there should have been strict consistency in the exercise of this discretional power, but, making allowance for the infirmities of human nature under the temptation of irresponsibility, it can scarce be said that it habitually abused its authority, according to the barbarous standard of the times, except in the infliction of pecuniary penalties on which its finances depended, and in the vindication of its authority against all who dared to question its supremacy. It was callous to the sufferings of those whom it prejudged as guilty; it devised the most atrocious formulas of procedure; but, when it had secured confession or conviction, it was not systematically and ferociously cruel as has so often been asserted.

As regards the enforcement of the sentence, it is to be observed that the penalties divide themselves into two classes. Some, such as relaxation, confiscation, fines, scourging, the galleys, reconciliation and abjuration, were within the power of the tribunal. Others, like imprisonment, the sanbenito, exile and reclusion, depended to a greater or less degree on the will or the fears of the penitent. Theoretically, as we have seen, punishment was regarded as penance, voluntarily accepted by the penitent for the salvation of his soul, but the Inquisition, unlike the father confessor, did not rely wholly on the penitential ardor of the sinner. Punishment retained enough of the character of penance to justify the theologian in treating its non-performance as a proof that repentance had been feigned, and that the offender had relapsed into heresy, the penalty for which, under the canons, was death by fire without trial. In the earlier time this was enforced in so far as was possible. Thus, in 1486, at Saragossa, Rodrigo de Gris, who had been condemned to perpetual imprisonment in a designated house, with the penalty of relapse for leaving it, escaped and was burnt in effigy as a relapsed and, in 1487, Cristóval Gelva, to whom the Hospital of Nuestra Señora de la Gracia was assigned as a per-

petual prison, was burnt in effigy for escaping.[1] This continued for some time to be the theory but, in practice, while summoning the fugitive as an impenitent relapsed, to appear for judgement, it was deemed safer to proceed against him in the ordinary way *in absentia*, waiting for a year and prosecuting him for contumacy. Such a case appears to be that of Bartolomé Gallego, who escaped in 1525 from the penitential prison of Toledo and was condemned to relaxation in effigy, November 3, 1527.[2] Some forty years later, Pablo García explains that the suspicion arising from flight, joined with that of remaining under excommunication for a year, afforded sufficient proof for declaring the fugitive a relapsed heretic and relaxing his effigy. It was only when evidence could be had of subsequent acts of heresy that direct proceedings for relapse were justified, and this was decided in a case where a fugitive was relaxed in effigy, and the Suprema revoked the sentence and rescinded the confiscation.[3]

The theory of relapse was evidently giving way. Simancas tells us that, although supported by high authorities, it is cruel and false and not founded in law; the fugitive is impenitent, not relapsed; if he returns or is captured he is to be heard, and if prepared to obey the Church, his flight only deserves an increase of penalty.[4] How rapidly the ancient severity was disappearing is manifested by a case in Valencia, in 1570. Pedro Luis Verga was prosecuted for Protestantism on a vague accusation that, when studying in Paris in 1555, he had consorted with the dreaded Juan Pérez and had shared his opinions, for which he was reconciled and sentenced not to leave the kingdom. He disobeyed and, in 1570, he was heard of in Genoa, giving utterance to heretical opinions. Now this was a case of relapse, as well as of non-fulfilment of penance, but he was prosecuted for contumacy as a simple fugitive.[5] It was an evidence that the old rule had become obsolete when inquisitors sometimes prescribed in their sentences that the penance was to be performed under pain of impenitent relapse, as in the case of Juan Franco, condemned at Toledo, in 1570, to eight years of galleys for Protestantism, and of Juan Cote, by the same tribunal, in 1615, to irremissible perpetual prison for the

[1] MS. Memoria de diversos Autos (Appendix to Vol. 1).
[2] D. Manuel Serrano y Sans (Revista de Archivos, April, 1902, p. 254).
[3] Pablo García, Orden de Processar, fol. 61, 63.
[4] Simancæ de Cath. Instt. Tit xvi, n. 24–5.
[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 377.

same heresy.[1] Towards the middle of the seventeenth century, Alberghini gives the various opinions held on the subject, and concludes that that of Simancas was commonly accepted.[2]

Cases of non-fulfilment were not infrequent for, as we shall see, the discipline of the penitential prisons was exceedingly lax; any penitent could absent himself and then throw off the sanbenito, which was the customary accompaniment of imprisonment, but, although this was canonically relapse, such cases were treated with what in those days might be considered as mercy. Thus Diego González, reconciled for Judaism at Valladolid, in 1644, and condemned to prison and habit, was recognized in 1645, at Medina de Rioseco, without the sanbenito. On being tried for this, the consulta de fe was not unanimous and the Suprema sentenced him to a hundred lashes.[3] It was the same with sentences of exile. In 1667, at Toledo, Francisco López Rodríguez, who had been reconciled in 1665 and had already been prosecuted for non-fulfilment of penance, was tried for doing so again, and was condemned only to a hundred lashes and two years more of exile. So in 1669, Juan López Peatin, for infraction of exile, had only two years added to the original term.[4]

A curious case, however, in 1606, shows how penitents were expected to fulfil their penances. Gaspar Godet, a Morisco, had been condemned at Valencia to reconciliation, a hundred lashes, and perpetual prison, of which the first eight years were to be passed in the galleys. After five years' service, his galley was captured by the English, near Lisbon, and he was set free. He ought strictly to have conveyed himself on board of another galley to serve out his term, but he seems to have imagined that he was released from his sentence; he quietly returned to his native Torre de Llovis and resumed his profession of surgeon. He was, of course, reported to the tribunal, which seized him in August, 1606, and condemned him not only to complete his sentence but to undergo a hundred lashes and to pay a fine of two hundred libras, although the maximum fine that could legally be imposed on a Morisco was ten ducats.[5]

The renewed activity of the Inquisition, in the early eighteenth

[1] MSS of Library of Univ. of Halle, Yc, 20, T. III, IX.
[2] Alberghini, Manualis Qualificator. Cap. xxxiij.
[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 33.
[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[5] Ibidem, Inquisicion de Valencia, Leg. 2, fol. 79.

century, seems to have been accompanied with a recrudescence of severity in these cases. In the Valencia auto de fe of February 24, 1723, Antonio Rogero was reconciled and condemned to irremissible prison and sanbenito. He escaped but was captured and, in the auto of March 12, 1724, he was condemned to two hundred lashes and five years of galleys, after which he was to be returned to prison, but the inquisitor-general mercifully commuted the scourging and galleys to five years of presidio, or labor in an African garrison. So, in the Valencia auto of June 25, 1724, Joseph Ventura, of Fez, a Moorish convert, had been reconciled with three years of prison and sanbenito; he fled, was captured and, in the auto of July 1, 1725, his prison was made perpetual and irremissible; again he fled, to be again caught and, in the auto of September 17, 1725, he was condemned to five years of galleys, after which he was to be returned to prison.[1]

All these were cases of formal heresy, for relapse in which the canonical punishment was burning. For offences less heinous, which inferred only suspicion of heresy, there was an occasional practice of including in the sentence a penalty for non-fulfilment of the penance. This was in every respect an arbitrary matter, concerning which no generalization can be formulated, for it is frequently impossible to divine why, in a group of similar cases, some sentences should carry this threat and some should not. This apparently objectless diversity is markedly exhibited in the auto of May 13, 1565, at Seville, where there were a large number of penitents thus arbitrarily differentiated. In the cases where the threat was employed, there was slender indication of mercy, for where exile for life or for a term of years was imposed, the penalty for non-fulfilment was that it should be completed in the galleys. In one case, that of Abel Jocis, for conveying arms to Barbary, the sentence was merely a prohibition to sail to Barbary, but a violation of this was visited with the galleys for life.[2] It should be added, however, for the credit of the Inquisition, that it not infrequently made threats which it had not the cruelty to execute. Thus the tribunal of Toledo, on a charge of divination, banished from Spain a priest named Fernando Betanzas, with a threat of the galleys for disobedience. Not long afterwards the Bishop of Salamanca found and arrested him, and the Suprema,

[1] Royal Library of Berlin, Qt. 9548.

[2] Archivo de Simancas, Inquisicion, Leg. 787

December 22, 1636, ordered the tribunal of Valladolid to investigate the case, after which the Suprema contented itself with deporting him to Portugal, and warning him that, if he returned again, he should be sent to the galleys.[1]

The case of the Augustinian Fray Diego Caballero, in 1716, indicates how non-fulfilment of penance might convert into formal heresy that which was mere suspicion. For uttering unacceptable propositions, he had been sentenced by the tribunal of Córdova to reclusion for four years in the convent of Guadix. He fled from there and continued to repeat his erroneous utterances, for which the Toledo tribunal pronounced him to be relapsed in grave crime and sentenced him to abjure *de vehementi*, to be suspended from his orders for a year, to perpetual deprivation of preaching, confessing and the right to vote and be voted for, to ten years' exile from a number of places, to four years' reclusion in a designated house, where for six months he was to be confined in a cell. He was also to wear a sanbenito, while his sentence was read in the audience-chamber, and the next day it was to be read to the assembled brethren of his Toledo convent, who were to administer to him a circular discipline, and he was to forfeit half his peculium—and all this under pain of being held as an impenitent relapsed.[2] What is noteworthy here is not only the severity of this long accumulation of penalties, but also the abjuration *de vehementi* which rendered reincidence in the abjured errors a matter for the stake.

In the medieval Inquisition it may be said that acquittal was virtually prohibited—a sentence of not proven might possibly be rendered, but acquittal was an admission of fallibility and was regarded as a bar to subsequent proceedings in case further evidence was obtained.[3] This principle was maintained in the Roman Inquisition, although, in the eighteenth century, exception was made in cases where the adverse evidence was clearly proved to be fraudulent.[4] The Spanish Holy Office was not quite so sensitive,

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 22.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

Carena (Tract. de Off. S. Inquisit, P. II. Tit. xvii, n. 9) mentions a case in which the tribunal of Murcia condemned to the galleys a priest who celebrated mass while under suspension by the Holy See.

[3] See the Author's Inquisition of the Middle Ages, I, 453; III, 513.

[4] Collect. Decretor. S. Congr. Sti Officii, p. 353.—Ristretto cerca li delitti più frequenti nel S. Officio, p. 162 (MSS. *penes me*).

and had no hesitation as to repeated prosecutions, so that to it acquittal was a less serious matter. Moreover, while sentences of not proven were not unknown, there was an equivalent device by which the accused could be dismissed without admitting his innocence—suspending the case and discharging him, subject to the liability of its being reopened at any time.

The furious zeal of Torquemada rendered acquittal peculiarly distasteful to him, and we have seen above (Vol. I, p. 175) a case in which he set aside acquittals at Medina del Campo, and insisted on conviction although, at his instance, the parties had been tried twice and had been tortured without confession. This temper on his part could not but impress itself on his subordinates, and yet we occasionally meet with acquittals in this early time—acquittals, however, which manifest a strange mental confusion, and betray the unwillingness to admit the prosecution of the innocent, for they couple acquittal with punishment. Thus at Guadalupe, in 1485, in the case of Andrés Alonso of Trogillano, the sentence recites that the fiscal had not proved his accusation as fully as he ought, wherefore the inquisitors absolved the accused but, as the evidence aroused some suspicion in their hearts, for the satisfaction of their consciences and his, they sentenced him to abjure *de levi* and, as some infamy had accrued to him from the accusation, they removed it and restored him to his former good repute, and lifted the sequestration on his property. Whereupon he duly abjured *de levi*, renouncing all manner of heresy, and especially that of which he was accused, promising to be always obedient to the Church, after which he was absolved *ad cautelam* from any excommunication which he might have incurred, and of all this he asked to have a certificate.[1] All the acquittals that I have met, of this period, bear this illogical character, sometimes even requiring abjuration *de vehementi* and inflicting penalties for the offence of which the accused is pronounced innocent.

In Barcelona, the Inquisition had been established twelve years before the first acquittal was granted, and, from such record as we have, it would appear that there were acquittals of more than one kind—conditional and unconditional. Thus, in 1499, Jayme Castanyer and Eufrosina Pometa were acquitted, but were required to abjure publicly on May 2d, and, on October 5th, Luys Palau was acquitted. In 1500, on September 18th, four women were

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 132, n. 39; Leg. 183, n. 779.

acquitted absolutely, two men were acquitted with penance, and two women and a man were acquitted with abjuration. Then, on October 5th, the memory and fame of Juan de Ribes Altes were cleared and, on December 20, 1501, Blanquina Darla was acquitted absolutely.[1]

In a record of the Toledo tribunal, from 1484 to 1531, there are eighty-six cases of acquittal, or an average of somewhat less than two per annum which, in view of the intense activity of the earlier period, indicates how few escaped when once the Inquisition had laid its hand upon them. Some of these cases show how long the conditional acquittal persisted. Thus of those acquitted, Hernando Parral was required to abjure, and Francisca Ramírez and Catalina beata negra abjured *de vehementi*. Unless there is a mistake by the scribe, Leonora de la Oliva of Ciudad Real was acquitted and scourged, October 3, 1521, and again had the same sentence October 13, 1530. In 1520 Alonso Hernández was acquitted with public penance and, in 1513, Sancho de Ribera was acquitted with confiscation. One entry is difficult of comprehension—that of Inez González, who was voted to acquittal with reconciliation and confiscation, but the confiscation was remitted.[2]

Practically acquittal amounted only to a sentence of not proven. In the formula for it, Pablo García calls special attention to the omission of the word "definitive," pointing out that it is not final, for the case could be reopened at any time that fresh evidence was obtained—and even without it, as we have seen in the case of Villanueva. In matters of faith there was no finality, no *cosa juzgada*, and it was so declared by Pius V, in the bull *Inter multiplices*, invalidating all letters of absolution and acquittal issued by inquisitors and other spiritual judges.[3] In strict accordance with this principle was the rule that sentences of acquittal of the living were not to be read at the autos de fe, unless at their especial request, while acquittals of the dead were read; in either case, the sentence simply stated that he had been accused of heresy and no details were given; if living he did not appear at the auto and if dead there

[1] Carbonell de Gestis Hæreticor. (Col. de Doc. de la C. de Aragon, XXVIII, 144, 145, 147, 149).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 262.

[3] Pablo García, Orden de Processar, fol 41.—Cap. 10, Tit. iii in Septimo Lib. v. Notwithstanding Pablo García's formula, the sentence of acquittal of Jan of Antwerp, tried at Toledo for Lutheranism in 1561, asserts itself to be *diffinitiva*.—Archivo hist. nacional, Inq. de Toledo, Leg. 110, n. 31, fol. 30.

was no effigy.[1] All this was in direct contradiction to the glowing eulogy of Páramo who, as we have seen, states that the inquisitors used every means to prove the innocence of the accused and, when they succeeded, took care that he should go forth like a conqueror crowned with laurel and the palm of victory.[2] Yet Páramo had some justification in the fact that there were rare exceptional cases in which the acquitted was thus honored. The only instance of this that I have met in Spain was that referred to above (Vol. II, p. 561), where fourteen residents of Cádiz were falsely accused. In Peru, however, several cases are recorded. In the Lima auto of 1728 Doctor Agustin Valenciano appeared in the procession on a white horse, with a palm, and proclamation was made of his innocence. In the great auto of January 23, 1639, there were seven thus honored after their three years of incarceration, and in that of October 19, 1749, the effigy of Don Juan de Loyola, who had died in prison in 1745, headed the procession, bearing a palm. This last case is perhaps explicable by Jesuit influence, for he was of the family of St. Ignatius, and further reparation was made by creating his brother, Don Ignacio de Loyola y Haro alguazil mayor of the tribunal, while three nephews were made familiars.[3]

The reluctance of the tribunals to pronounce a sentence of acquittal is illustrated in the case of Francisco Marco, tried at Barcelona for bigamy, in 1718. Unable to prove the charge, which was punishable with scourging and galleys, the tribunal sentenced him to have his sentence *con meritos* read in the audience-chamber, to be reprimanded and threatened, and to be banished from Barcelona and Madrid for six years. In the earlier period this sentence would have stood, but by this time the Suprema was in full control and it expressed great surprise at so unjust a decision, inflicting so foul a stigma on the accused. It declared null and void all the acts of the process, it ordered Marco to be discharged at once, and that the inquisitors should defray out of their salaries all the cost of his imprisonment.[4]

The indisposition to acquit found expression in the device known as suspension. When the effort to convict failed, the case could be suspended, thus leaving matters as they stood; the accused was

[1] Pablo García, *loc. cit.*—Archivo de Simancas, Inquisicion, Lib. 979, fol. 20.
[2] Páramo, p. 269.
[3] Palma, Añales de la Inquisicion de Lima, pp. 19, 38, 140 (Madrid, 1898).
[4] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 71.

neither acquitted nor convicted, the case could at any moment be reopened and prosecuted to the end, and it hung over the unfortunate victim while it saved the infallibility of the tribunal. The earliest allusion to it that I have met occurs in the Instructions of 1498, which show that it was a usage already established and abused, for it is forbidden in prosecutions of the dead, except when further evidence is expected, and acquittal is ordered when the proof is imperfect, because there are many cases of suspension that inflict hardship through the sequestrations continuing in force.[1]

Suspension was a convenient resource for a tribunal, unable to convict yet unwilling to acquit, and desirous to conceal its failure. At first it was comparatively rare, but in time it became a favorite method of escaping a decision and, as it gradually, for the most part, replaced acquittal, in its development it might even remove the stigma; in the great majority of cases it was practically the end of the matter, and it was usually accompanied with lifting the sequestration. Some authorities held that a case could not be entered as suspended, if there was enough in it to justify a reprimand, or even when the offence was trivial and the defendant was cautioned not to speak or act in that fashion, but this rigidity of definition was not observed in practice. When suspension was decided upon, the accused was not permitted to know it. He was simply brought into the audience-chamber; if he had been confined in the secret prison he was put through the customary inquiries as to what he had seen and heard, and was sworn to secrecy; he was told that for just reasons he was granted the favor of returning home and that he must seek to discharge his conscience for his case was still pending.[2] This mystery served to keep him in suspense, but, after he found the sequestration or embargo lifted from his property, he could doubtless fathom its meaning. If he demanded a definite sentence of conviction or acquittal, he had the right to do so, but I have met with no instance of this, and few could have been hardy enough thus to tempt their fate. If he asked for a certificate that he was freely discharged, or that his case was suspended, it was not to be given, but the Suprema might grant him one to the effect that he was discharged without penance or condemnation.[3]

Suspension wholly without penance was, however, unusual,

[1] Instrucciones de 1498, § 4 (Arguello, fol. 12)

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80

[3] MSS. of Royal Library of Copenhagen, 218b, p. 339.

for the infallibility of the Inquisition was commonly emphasized by accompanying it with some infliction, more or less severe. The lightest of these was the reprimand and warning administered when discharging the accused. In 1650 the tribunal of Toledo summarily got rid of quite a number of cases in this fashion—four on June 18th, two on the 25th and three on the 30th, and those were fortunate who escaped so lightly. About the same time, Doña Gabriela Ramírez de Guzman, accused of superstitious sorcery, was not only reprimanded, when her case was suspended, but was banished for a year from Toledo and Madrid, and the same penance was assigned to Domingo de Acuña, when his trial for propositions was suspended.[1] How little incongruity was recognized in this is illustrated by the case of Martin Mitorovich, at Madrid, in 1801, when one of the inquisitors voted to suspend the case and confine him for life in the hospital of Ceuta.[2] In fact, as suspension grew more frequent in the closing years of the Inquisition, it was often coupled with severe inflictions. Thus, August 30, 1815, the tribunal of Llerena suspended the case of María del Carmen Cavallero y Berrocal, but sentenced her to reprimand, two hundred lashes and three years' seclusion in a hospital; at the same time, in view of her ingenuous confession, the scourging was suspended until her amendment should earn its forgiveness, and the same phrases were used with her accomplice, Nicolás Sánchez Espinal, who was sentenced to reprimand, certain spiritual exercises and perpetual exile from the province.[3]

In cases like these, however, suspension had somewhat outgrown its original purpose of a substitute for acquittal, and was a more than doubtful mercy, for the case remained unconcluded, though visited with full penalties, and could at any moment be reopened. That originally it was merely a convenient device for escaping the admission of having prosecuted the innocent is manifested by cases of which the records are full. Thus, in 1607, Francisco Dendolea, a Morisco of Xea, was tried at Valencia on the evidence of a witness that, when *limosnero* or almoner of Xea, he had, under pretext of begging for the poor, used his office to serve notices of the commencement of the fast of Ramadan and give other ceremonial instructions. He proved that he never

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[2] Archivo de Simancas, Inquisicion, Lib. 877, fol. 228.
[3] Ibidem, Lib. 890, fol. 12.

was limosnero and the charge fell to the ground, but the case was merely suspended. So, in 1653, Doña Isabel del Castillo was prosecuted for Judaism at Toledo. She had previously been reconciled at Valladolid, and it was found that the evidence related to a period prior to the reconciliation. She of course ought to have been acquitted, but the case was suspended.[1] Even more self-evident is the case of the Benedictine Padre Francisco Salvador, tried at Valladolid, in 1640, for sundry propositions presented in a competition for a professorship. The consulta de fe voted to suspend the case and the Suprema, in confirming the sentence, added that a certificate should be given to him that no offence had been found that would in any way prejudice him.[2]

There was also a kind of imperfect or informal acquittal, which consisted in admitting the accused to bail at the end of the trial. It saved the tribunal from the trouble of a decision and of an acknowledgement that the prosecution had been in error, but it was cruel to the party involved, as it left him but partly liberated and with the stigma of heresy. Its working is fairly exemplified by the case of Petronila de Lucena, tried in 1534, at Toledo on a charge of Lutheranism. After nearly a year's incarceration, her brother, also under trial, revoked in the torture the evidence which he had given against her. There was no other testimony, yet she was not acquitted but merely released, March 20, 1535, under bail of a hundred thousand maravedis, to present herself when summoned. The security was furnished and she was delivered to the bondsmen as her gaolers. On June 27th, she petitioned for release, for the discharge of the bondsmen and for the removal of the sequestration, which included some articles of personal necessity in the hands of the gaoler; she was, she pleaded, poor and an orphan, she needed the property and wished to be free to dispose of herself. No notice was taken of this and, sixteen months later, on October 20, 1536, she applied again; this time an order to lift the sequestration was issued, but there is no record of her having been released from subjection to bail. She thus remained under the ban and, at the age of 25, the two careers open to a Spanish woman—marriage and the nunnery—were virtually closed to her.[3]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 79; Inquisicion de Toledo, Leg. 1.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 3, 26.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 111, n. 46, fol. 30–4.

There was yet another kind of acquittal, still more informal, in which the accused was simply discharged and bade to be gone, without a sentence, leaving him under the dreadful uncertainty of what might be his position. An instance of this is the case of Miguel Mezquita, tried for Lutheranism at Valencia, in 1536. The evidence was of the flimsiest, and the inquisitors merely ordered him to be released from prison without making further provision.[1]

The comparative frequency of these various forms of release, in the earlier period, may be inferred from the record of the Toledo tribunal from 1484 to 1531, in which there are eighty-six cases of acquittal, to only four of suspension, four of release under bail, and two of simple discharge—the latter forms thus being negligible quantities.[2] The proportions changed rapidly with time, showing how much more in harmony with the spirit of the institution were the forms which evaded acknowledgement of error. A record of the same tribunal, from 1575 to 1610, contains an aggregate of eleven hundred and seventy-two cases of all kinds, in which there were fifty-one acquittals, ninety-eight suspensions and thirty simple discharges.[3] This tendency continued with increasing development. A Toledo record from 1648 to 1694, comprises twelve hundred and five cases, of which but six ended in acquittal, one in discharge for mistaken identity, and a hundred and four in suspension, nearly all of the latter coupled with a reprimand in the audience-chamber—apparently a scolding for having given the tribunal so much bootless trouble. The suspensions were, in nearly every case, ordered by the Suprema, as though the inquisitors shrank from the admission which it involved.[4]

This repugnance existed to the last. In 1806, Don Matias Brabo, an ex-Agonizante and calificador of the Saragossa tribunal, was tried in Madrid on the charge of uttering certain propositions; he was acquitted but, in view of his disorderly life, especially in regard to the sixth commandment, he was sentenced to a reprimand, to fifteen days of spiritual exercises, and to make a general confession at such time as he could do so without disrepute.[5]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 31
[2] Ibidem, Inquisicion de Toledo, Leg. 262.
[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1
[5] Ibidem, Leg. 498, fol. 259.

The same spirit is seen in the instructions of the Suprema, October 14, 1819, to the Cuenca tribunal, authorizing the arrest and trial of María Martínez for propositions. In case, it says, the trial shows that she has not erred in the matters charged, or in anything else, she is to be reprimanded and warned and told that the tribunal is keeping a watch over her acts.[1]

There was another kind of suspension, by far the most frequent of all. It often happened, especially in the later periods, that the *sumaria*, or collection of evidence against a presumed offender, proved insufficient to justify prosecution. In such cases it would be quietly voted to suspension; it was filed away in its place among the records, ready to be exhumed at any time, when further information might supply deficiencies and induce active proceedings. Thousands of these abortive processes reposed in the *secreto* of the tribunals, the subjects of which were unconscious of the dangers which had threatened them, or that their names were on the lists of suspects of the dreaded tribunal. That they were kept under surveillance is indicated by an occasional note, such as one respecting a certain Johann Wegelin, a Calvinist—"there is a sumaria which has been withdrawn because he became insane and returned to his own country," or in another case "suspended because he died in 1802."[2]

Yet, taking it as a whole, when we consider that the inquisitorial system was so framed as to put every temptation in the way of the judges to condemn, for the sake of confiscations, fines, penances, dispensations and commutations, it is rather creditable that acquittals and suspensions should occur in the records even as frequently as we find them there, though of course we have no means of knowing whether those who thus escaped were among the wealthy or the poor.

There was still another possible form of sentence. The Barbarians who overthrew the Roman Empire brought with them an ancestral custom, known as compurgation or, in England, as the Wager of Law, by which a defendant, in either a civil or criminal action, could maintain his title or his innocence by taking an oath and bringing a specified number of men who swore to their belief in its truth. They were known as conjura-

[1] Archivo de Simancas, Inquisicion, Lib. 890.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 100

tors or compurgators and were in no sense witnesses; they pretended to no knowledge of the facts but only to their confidence in the veracity of their principal. This crude method of establishing the truth was maintained in all the lands occupied by the Teutonic tribes except in Spain, where the Wisigoths early yielded to the influence of the Roman law. It was eagerly adopted by the clergy, who found in it a convenient means of escaping from the harsher expedients of the ordeal or the wager of battle, so that it acquired the name of canonical purgation.[1] In the thirteenth century, the Inquisition found it used in the trial of heretics and necessarily included it among the resources for doubtful cases, although inquisitorial methods were too thorough to call or its frequent employment.

The Spanish Inquisition naturally inherited compurgation among the other traditions of the institution. When conviction could not be had by evidence or torture, and yet the suspicion was too grave to justify acquittal, it could sentence the accused to undergo compurgation. He could not demand it, nor could he decline it, though he might appeal from the sentence; and failure in compurgation was equivalent to conviction, while success was not acquittal but required abjuration and penance at the discretion of the tribunal, because, although legally shown not to be a heretic, the accused had to be punished for "suspicion."

The early Instructions are silent on the subject, and such cases of the period as I have met indicate that there was no rigidly prescribed method of procedure, although, in the main, they accord in showing it to be a kind of trial by jury, after the tribunal had failed to reach a decision. The general features of the process can be gathered from the case at Saragossa of Beatriz Beltran, wife of the Juan de la Caballería, accused of complicity in the murder of San Pedro Arbues, who died in prison and was relaxed in effigy in the auto of July 8, 1491. She was put on trial for Judaism in 1489; the evidence against her was by no means decisive, while the defence discredited the witnesses and proved by abundant testimony her devotion to the Church, her regular attendance at mass and confession for more than twenty years, her liberality in the celebration of masses and her long hours

[1] It is still employed in ecclesiastical cases as a mode of proof. In November, 1904, a dispensation to dissolve a marriage was granted on proof of its non-consummation, by the oath of the parties, supported "dal testimonio di settima mano."—Il Consulente Ecclesiastico, Gennaio, 1905, p. 8

spent in daily prayer. She could not be tortured in view of her advanced age and severe infirmities and, on August 9, 1492, the consulta de fe voted unanimously that, as torture was out of the question, she be sentenced to canonical purgation, at the judgement of the inquisitors when, if she should purge herself, she should abjure publicly as vehemently suspect of heresy and of Judaizing, and should perform penance at the discretion of the tribunal. The next day the inquisitors pronounced that she was not convicted but vehemently suspect, wherefore she should purge herself with twelve conjurators. They were duly selected and a term of three days was assigned, within which the ceremony should be performed. They assembled in the Aljafería on August 23d, when the publication of evidence and the defence were read to them. She was sworn to tell the truth and was asked whether she had committed these crimes, to which she replied in the negative and was then removed from the room. The inquisitors again read the accusatory evidence and the defence, the compurgators were sworn to tell the truth, and the inquisitors polled them. The first one, Pedro Monterde, said that he believed Beatriz to have sworn truly, for he had known her for fifteen years and had always held her to be a good Christian, the rest unanimously concurred and the purgation was successful. Then, on September 8th, she appeared in an auto as a penitent and, on the 17th, she abjured all heresies and especially those of which she was vehemently suspected, after which the inquisitors rendered sentence, declaring her to be vehemently suspect of the crimes which she had abjured and, as these suspicions and crimes could not be left unpunished, they penanced her with forbidding her to commit these crimes, with the payment of all costs of her trial, the taxation of which they reserved to themselves, and with performing such penance as they might impose on her. The record fails to inform us what was that penance, but it probably transferred to the tribunal a large portion of the property that had escaped her husband's confiscation.[1]

The threat that failure would imply condemnation was by no means an idle one. About this time, Fray Juan de Madrid was tried before the tribunal of Toledo; there was much adverse evi-

[1] Bibl. nationale de France, fonds espagnol 80, fol. 346–52.

Two cases in Barcelona, in 1488, with somewhat different details, will be found in Carbonell *de Gestis Hæreticor.* (Col. de Doc. de la C. de Aragon, XXVIII, 26–7, 123–35).

dence in full detail, and the only defence lay in disabling the witnesses. This was partially successful, but enough remained to justify the inquisitors in saying in the sentence that he could have been condemned on it but that, in benignity and mercy, he was offered compurgation. He willingly accepted it and named his compurgators, but half of them refused to sustain his oath of denial, declaring that through their knowledge of him they held him as suspect. This was conclusive; he was considered to be convicted of the charges and the consulta de fe had no hesitation in voting him to relaxation. In like manner, on February 3, 1503, Jayme Benet was burnt at Barcelona because he failed in the compurgation enjoined on him.[1]

A change, probably attributable to the growing desire for absolute secrecy, prescribed by the Instructions of 1500, altered profoundly the prevailing theory of compurgation, for it prohibited the reading to the compurgators of the evidence and defence. In their presence the accused was to deny under oath the charges which were recapitulated by the inquisitors, and the compurgators were simply to be asked whether they believed that he swore the truth, and no other questions.[2] There seems to have been some trouble in abrogating the custom of reading the evidence, for the prohibition had to be repeated in 1514.[3]

In the project presented to Charles V, in 1520, by the Conversos, with the object of rendering the inquisitorial process less effective, there was included a modification of compurgation in such wise as to facilitate escape.[4] Of course no attention was paid to this, but that some alteration of the process was required by justice is manifest from one or two minor reforms soon afterwards. In 1523 it was ordered that the fiscal should not be present after the compurgators were sworn, which is suggestive of his influencing them adversely. Still more essential was a regulation of 1529, forbidding those who had testified against the accused from serving as his compurgators.[5] Apparently it was one of the results of suppressing the names of witnesses that the poor wretch, in his

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 164, n. 531.—Carbonell, *op. cit.*, p. 154.

[2] Instrucciones de 1500, § 8 (Vol. I, Appendix, p. 580).—Arguello, fol. 14.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 102.

[4] Archives de l'État, Bruxelles, Registre sur le faict des hérésies, etc., fol. 652–6 (kindly communicated by Professor Paul Fredericq).

[5] Archivo de Simancas, Inquisicion, Lib. 939, fol. 68, 87.

ignorance, would sometimes call upon those to save him who had been procuring his destruction, and the inquisitors had not sufficient sense of justice to exclude them, although they had power to refuse admission to any one supposed to be friendly to him. There was also a favorable modification of the ancient practice requiring unanimity on the part of the conjurators, for Simancas tells us that the inquisitors, when specifying the number to act, could also designate how many defections would be allowed without prejudicing the result.[1]

Yet by the middle of the century, when Simancas wrote, compurgation was becoming obsolete. He denounces it as blind, perilous and deceitful, and says that it especially should not be forced upon those of Jewish or Moorish descent, for it is equivalent to sending them on the direct road to the stake, since no one could help thinking ill of them, or at least doubting their innocence. Besides, nearly all men are now so corrupt, and Christian charity is so cold, that scarce any one can be found who will purge another, or who will not have an evil suspicion and interpret matters for the worst. To defeat the accused it suffices for the conjurators to say that they do not know, or that they doubt whether he has told the truth, and who is there who will not feel uncertain when he knows that no one is exposed to purgation unless he is vehemently suspected.[2]

This is echoed by the Instructions of 1561, which indicate how compurgation was passing out of use by the brief allusion vouchsafed to it. It is to be performed in accordance with the Instructions, with such number of compurgators as the consulta de fe may prescribe, but inquisitors must bear in mind that the malice of men at the present time renders it perilous, that it is not much in use, and that it must be employed with the utmost caution.[3]

Still, subsequently to this, Pablo García gives full and curious details as to procedure, which show how it had become hedged around with limitations that rendered it a desperate expedient for the accused. The compurgators had to be Old Christians, zealous for the faith, who had known the accused for a specified number of years, and were not of kin or well disposed towards him. He was required to name more than the number designated, so as to allow for those who might have died or be absent, showing

[1] Simancæ de Cath. Institt. Tit. LVI, n. 15.
[2] Ibidem, n. 12, 31.
[3] Instrucciones de 1561, § 47 (Arguello, fol. 33).

that he had to act in the solitude of the cell where perhaps he had been confined for years. When the sentence of compurgation was announced to him, he was given a certain term in which to make his selection and, if he allowed this to elapse, he was at the discretion of the tribunal. No communication with the compurgators was allowed, and when they were assembled each one was separately and secretly examined to ascertain whether he lacked any of the necessary qualifications, what were his relations with the accused, whether he would give anything to secure his discharge, whether any one had spoken with him and asked him to serve, or whether he had intimated to any of the kindred that he was willing to act. While thus carefully guarding against possible friendship, it is significant that there is no instruction to inquire into possible enmity.

The ceremony was performed with considerable impressiveness. On the table of the audience-chamber there were placed with much solemnity a cross, the gospels, and two lighted candles. The prisoner was brought in, his list of selections was read to him and he was asked if he recognized them, to which he assented and said that he presented them as his compurgators. They were then asked if they wished to serve or not; if they accepted, a solemn oath was taken by the prisoner to tell the truth and not to conceal it for fear of death or of loss of property or of honor or for any other reason. The inquisitors then recited the charges which created vehement suspicion and asked him, under his oath, whether he was guilty of them and, after he had answered, he was led back to his cell. Then, if necessary, the nature of compurgation was explained to the compurgators and they were sworn to answer truly and not to deny the truth for hate, or love, or fear, or affection, or other motive. They were kept apart, without communication with each other, and each was examined separately and in secret whether he understood what had passed and whether, in accordance with what he knew of the accused, he believed that he had told the truth, and after replying he was made to promise secrecy under pain of excommunication. The answers were carefully taken down and were signed by the compurgators.[1]

Conducted after this fashion it is easy to understand why compurgation should be characterized as blind and perilous. The

[1] Pablo García, Orden de Processar, fol. 69–72.

accused had to make his selection blindly, and the qualifications required of conjurators almost insured their unfavorable opinion, at a time when the operations of the Inquisition had caused every man to look upon his neighbor with suspicion, especially when that neighbor was one whom the tribunal required to undergo compurgation. Yet, although the Inquisition thus risked little in subjecting doubtful cases to it, there was ample reason for allowing it to fall into desuetude. Secrecy had become a cardinal principle in all inquisitorial proceedings and it was violated by calling in a dozen laymen to see the prisoner, to hear the charges against him and to participate in the judgement to be passed upon him. Besides, it was an acknowledgement that there were cases in which the assumed omniscience and infallibility of the Holy Office were at fault, and had to be supplemented by the random opinions of a few men selected by the accused. As practised for centuries in the ecclesiastical courts, it had been an easy method for the guilty to escape merited chastisement; as modified by the Inquisition, it became a pitfall for the innocent; it was wholly at variance with the inquisitorial process as developed in Spain and, while its place in the canon law prevented its formal abolition, the tribunals had exclusive discretion as to its employment, and that discretion was used to render it obsolete. Still, it maintained its place as a legal form of procedure. Even as late as 1645, among the interrogatories provided for a visitation, the question was still retained as to whether the forms of the Instructions were observed in canonical compurgation, although a writer of the same period tells us that it is not to be employed because, if the accused overcomes sufficient torture, he is to be discharged.[1]

In the Roman Inquisition we find compurgation ordered as late as 1590, in the case of a priest of Piacenza, accused of certain heretical propositions; the compurgators were to be five beneficed priests of good character and acquainted with the life of the accused. If the purgation was successful he was to be proclaimed of good repute as to the faith, and was to perform salutary penance for the imprudence of his utterances.[2] By the middle of the

[1] Modo de Proceder, fol 62 (Bibl. nacional, MSS., D, 122).—Archivo de Alcalá, Hacienda, Leg. 544[3] (Lib. 4).

[2] Decret. Sac. Congr. Sti Officii, p. 43 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3)

seventeenth century, however, Carena tells us that it had been virtually disused by the Congregation, as most perilous, fallacious and uncertain.[1]

From this brief review of the various characteristics of the sentence, it will be seen that the Inquisition had at hand formulas adapted to every possible exigency, in the administration of its extensive and highly diversified jurisdiction. Until the development of the authority of the Suprema over the local tribunals, the use made of these formulas depended on the temperament of the individual inquisitors, shielded as they were from responsibility by secrecy and by the virtual suppression of the right of appeal, except in trivial matters. It must be borne in mind, moreover that, even when their sentences may seem merciful, there was always behind them the most grievous infliction of an infamy which affected the honor and the fortunes of a whole lineage.

[1] Carenæ Tract. de Off. S. Inquisit. p. 388 (Ed. Lugduni, 1669).

CHAPTER II.

MINOR PENALTIES

In the preceding chapter the general penal system of the Inquisition has been considered, but for its proper comprehension a brief exposition of its several penalties is requisite. In this it is unnecessary to treat of confiscation and pecuniary penance which have already been discussed as constituting the financial basis of the existence of the Holy Office.

REPRIMAND.

Of the minor inflictions, the most nearly universal was the reprimand. It is naturally absent from the severer sentences of reconciliation and relaxation but, with these exceptions, scarce any defendant escaped it, no matter how groundless the accusation was proved to be, or how plainly his innocence was manifested. The freedom with which it was administered is evidenced in a phrase of frequent occurrence in the reports of the Toledo tribunal—"as no offence was proved, he was reprimanded and warned for the future."[1] We have seen that some strict constructionists held that reprimand was incompatible with suspension, but that this principle was universally disregarded. The same authority asserts that no reprimand was to be administered without a formal sentence, but cases are numerous in which it is expressly recorded that the party was reprimanded without a sentence, and sometimes this was by the special command of the Suprema. In the Valladolid tribunal there were eight such cases in the year 1641.[2] To scold the defendant was one of the prerogatives of the inquisitor, from the use of which he rarely ab-

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—"Y no resultando culpa fuele reprehendido y advertido para adelante."

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—MSS. of Library of Univ. of Halle, *loc. cit.*—Archivo de Simancas, Inquisicion, Leg. 552, fol. 3, 6, 9, 11, 13, 15, 17, 22, 28, 29

stained, especially as it afforded the opportunity of expatiating on the benignity which imposed penalties so incommensurate with the offences.

The severity of the infliction varied with his temper and power of invective, but constant practice rendered him skilful in detecting the sensitive places, and in applying the lash where it would be most keenly felt. There were those among the victims who regarded this as a severer penalty than a pecuniary penance, and it is not surprising that it occasionally drew forth remonstrance and retort, which were promptly suppressed by the infliction of a fine for the expenses of the tribunal.[1] No record was made of reprimands, beyond the fact of their utterance, but there is one which chances to have been preserved as it seems to have been carefully elaborated and reduced to writing. It was administered by the Licentiate Juan de Mañozca, who had been President of the Chancellery of Granada, to an unlucky gentleman prosecuted for having said that belief in matters of faith was good breeding. He had made the case worse by arguing, in his defence, that he could conceive of no word more applicable to the matter than *cortesía*, and that his long residence at the court had familiarized him with all the niceties of the Castilian tongue. For this, as a proposition ill-sounding and savoring of heresy, Mañozca belabored him through ten closely-written pages of savage ridicule. "In the Andalusian tunny fishery" he said "there may be seen an infinity of tunnies, the smallest of them as big as you, and yet not one of them will show the least particle of salt, although they have lived in the midst of salt." So he went on, quoting the Scriptures, the classic poets and Plato, to prove that the unfortunate culprit was an ignoramus, closely approaching a heretic. Such ignorance was likened to the unfruitful ears of corn which, according to Christ, are only fit to be swept up and burnt, and the diatribe concluded with the significant warning that it was the Inquisition which gathered such worthless stocks and delivered them to the secular arm, that they might pass through temporal to eternal flame.[2] Doubtless the culprit was a fool, but his folly merited no such terrific warning.

[1] MSS. of Library of Univ. of Toledo, Yc, 20, T. I.

[2] Repreension de un Inquisidor á un Reo (MSS. of Bodleian Library, Arch. S, 130)

ABJURATION.

Suspicion of heresy, as we have seen, was, in itself, a crime requiring punishment. In accusations of formal heresy which failed of proof, there remained, as a rule, at least suspicion, and there was besides a number of offences which, though not in themselves heretical, were brought under the jurisdiction of the Inquisition by a more or less forced assumption that they inferred suspicion of heresy—that no one who believed rightly as to sacraments and points of doctrine could be guilty of them. In the Old Inquisition, this suspicion was classified as light, vehement or violent and these distinctions were retained in the New. Violent suspicion, however, may be discarded from consideration here, for it sufficed for condemnation and, in practice, it admitted of no disproof or explanation for, although theoretically it might be explained away, this was but a bare possibility. As Peña says, it created presumption of law, as when a man remained for a year under excommunication.[1]

The distinction between light and vehement suspicion was somewhat nebulous. Like everything else in the vague region of morals, it was incapable of accurate definition, and each case had to be decided on its own merits, according to the temper of the judges. Alberghini's attempted test of infrequent or habitual performance of acts inferring suspicion fails utterly in practice and moreover leaves unsettled the more important and common class of cases where testimony was insufficient for conviction and yet too strong for acquittal.[2] Moreover, suspicion might be modified by exterior circumstances, as when Miguel Calvo tells us that, with Moriscos, however slender may be the suspicion, it must be treated as vehement.[3] It was evidently impossible to prescribe any absolute rule, and it is to the credit of the Inquisition that it rarely pronounced suspicion to be vehement, while light suspicion occurs in almost all sentences short of reconciliation. Thus, in the Toledo record from 1648 to 1794, there are three hundred and fourteen abjurations *de levi* and only fifty-one *de vehementi*—or about an average of one every three years.[4]

[1] Eymerici Director. P. II, Q. lv, n. 16.—Pegnæ Comment. 80 *in loc*

[2] Alberghini, Manualis Qualificator. Cap. xv, n. 1-3.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

Whatever other punishment might be visited on suspicion, abjuration of heresy in general, and especially of the heresy suspected, was indispensable. This could be administered either in the audience-chamber, or in a public auto de fe, and was an impressive ceremony. In the face of a cross and with his hand on the gospels, the culprit swore that he accepted the Catholic faith and detested and anathematized every species of heresy, and especially that of which he was suspect. He pledged himself always to keep the faith of the Church and to be obedient to the pope and the papal decrees. He declared that all who opposed the Catholic faith were worthy of condemnation, promising never to join them, but to persecute them and denounce them to prelates and inquisitors. He swore to receive patiently and humbly all penance imposed on him, and to fulfil it with all his strength. If the abjuration was for light suspicion, he consented and desired that, if he failed in any part of this, he should he held as impenitent and he submitted himself to the correction and severity of the canons, so that the penalties prescribed in them should be executed on his person, and finally he called upon the notary to record it and on all present to serve as witnesses. If the abjuration was for vehement suspicion, he consented and desired that, if he failed in his promises, he should be held and considered as a relapsed and suffer the penalties provided for relapse. This was the difference between abjuration *de levi* and abjuration *de vehementi*, so often alluded to above, and it was of no small import under the canons. After the former, reincidence in the offence entailed no special penalty; it was at the discretion of the tribunal merely to repeat the previous sentence, or to aggravate it, as the case might appear to deserve. But, after the latter, reincidence was relapse, for which the canons decreed irrevocable burning, *ipso facto* and without trial. To impress this on the penitent, his abjuration *de vehementi* was written out and he was made to sign it. Then, on the next day after the auto de fe, he was brought into the audience-chamber, it was read to him and he was warned to observe its conditions for, if he should again fall into any heresy whatever, he would be treated as a relapsed without mercy, and it would be the same if he did not perform the penance imposed.[1]

In spite of these impressive formalities, I think it doubtful

[1] Pablo García, Orden de Processar, fol. 38–9.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 118.

whether, after the first furious rush of persecution was past, the extreme penalty of relaxation, for reincidence after abjuration *de vehementi*, was customary. As a rule, in the later periods, inquisitors rather endeavored to avoid relaxation and, while they were callous, they were not apt to be unnecessarily cruel. I have not happened to meet with such a case, while I have found more than one in which the canons were not observed. In fact, a learned writer of the second half of the seventeenth century argues elaborately, with the citation of many authorities, to show that reincidence after abjuration *de vehementi* does not incur the punishment of relapse, despite the penalties expressed in the formula, and this would appear to have been tacitly accepted, for a custom arose of specifying in the sentence whether or not the abjuration should entail the penalty. Thus, in 1725 at Cuenca, Doctor Zapata, accused of Judaism, was required to abjure *de vehementi* with liability to relaxation, while in 1794, at Toledo, Damaso José López de Cruz, for heretical propositions, was sentenced to similar abjuration without such liability.[1] There was another distinction between the two forms of abjuration, for those who abjured *de vehementi* were subject to the disgrace of appearing in an auto de fe and of wearing a sanbenito *de media aspa*—or with one band of color across it, before and behind.[2]

The Instructions of 1561 state that, when there is semi-proof, or such indications that the accused cannot be acquitted, there are three remedies, compurgation, torture or abjuration; but this is scarce correct, for those who succeeded in compurgation were always, and those who overcame torture were generally, required to abjure. The Instructions add that abjuration, whether for light or vehement suspicion, is rather a measure to inspire fear for the future than a punishment for the past, and therefore it is usually accompanied with pecuniary penance.[3] In fact, it was only in trifling cases, or in suspensions, that abjuration was not associated with much severer penalties. This was inevitable in the large class of offences which, by a strained construction, inferred suspicion of heresy. In these, when guilt was proven, it received its appropriate punishment, perhaps of scourging or the galleys, and the abjuration was a mere formality to satisfy

[1] Bibl. nacional, MSS., Pp, 28, Q. 4; Ibidem Kk, 53.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[2] Bibl. nacional, MSS., V, 377, Cap. ii, § 9.

[3] Instrucciones de 1561, § 46 (Arguello, fol. 33).

the artificial ascription of heretical belief. In cases of suspicion of real heresy, abjuration, whether *de levi* or *de vehementi*, was a necessary adjunct to the punishment. Thus in the Toledo auto of February 7, 1694, Luis de Vargas, for "suspicions of Judaism," was sentenced to abjure *de levi*, to pay a fine of two hundred ducats and to be exiled for six years from various places. So, in 1715, at Toledo, the Carmelite Fray Francisco Martínez de Salazar, "for crimes vehemently suspect of heresy," appeared in the audience-chamber with a sanbenito *de media aspa*, in the presence of twelve priests; he abjured *de vehementi*, was sternly reprimanded and threatened, and sentenced to a long list of penalties, including deprivation of functions, reclusion for six years in a convent and a circular discipline in the Carmelite house of Toledo.[1] On this composite sentence the consulta de fe had evidently exhausted its ingenuity, and the abjuration was merely a formal necessity to justify the rest. Yet, while abjuration in itself can scarce be termed a punishment it was, even when only *de levi*, an infliction of no little severity, in consequence of the infamy which it entailed, as we have seen in the Villanueva case, where the victim and his kindred struggled for so many years in Rome to have it removed.

EXILE.

Frequent allusions above to exile as occurring in sentences indicate how customary a feature it was in the penal system of the Inquisition. By itself, or in combination with other penalties, it was an unfailing resort in offences that did not incur the graver punishment of imprisonment. It could be varied indefinitely, to suit the peculiarities of each case, and the tribunals exercised the widest discretion in its employment. In its usual form it designated certain places and a fixed number of leagues around them, which the penitent was forbidden to enter. The list of proscribed localities as a rule included Madrid, or rather the royal residences, the seat of the tribunal, the dwelling-place of the culprit, if this was not comprised in the others, and any other towns, sometimes amounting to four or five, where he had been known in his guilty career. Although this was a convenient

[1] Archivo de Simancas, Inquisicion de Toledo, Leg. 1.

resource to the tribunal, it was a somewhat irrational penalty, the severity of which could hardly be guessed at, for while it might be scarce more than an inconvenience to one offender, it might be the destruction of a career to a merchant established in business, or to a professional man with an assured *clientèle*. Considerations of this kind, however, rarely influenced the tribunals and, in the Toledan record of 1575–1610 we find exile included in a hundred and sixty-seven sentences.

The length of exile was always specified, and varied from some months to a life-time, but it usually was a term of a few years. Sometimes it was divided into two portions, the first *preciso* or absolute, the second *voluntario* or dependent upon the will of the tribunal—apparently as an incentive to amendment. A variant of this occurs in the case of Diego de Toro, sentenced for bigamy at Toledo in 1652, to four years of exile absolutely and four years more which he was to fulfil whenever the tribunal should see fit to order it, thus holding it over him indefinitely.[1]

It was not often that the Inquisition exercised the power of banishment from Spain, but it did not hesitate to assume such authority when it saw fit, and a converse to this was the occasional prohibition to leave Spain, of which an instance is cited above (p. 102). Another form, in which the wide discretion of the tribunals was exhibited, was forbidding the penitent to approach within a specified distance of the sea-coast. This was not infrequent in sentences on Moriscos, whose relations with Barbary always excited apprehension, but it is not apparent why the Valladolid tribunal, in 1659, when sentencing Diego de la Peña for Jewish tendencies, should have included an inhibition to approach within eight leagues of any sea-port without a special licence.[2]

Again, we sometimes find a penitent exiled to some particular place for a term of years, and this is frequently combined with provisions for keeping him under surveillance. Thus the Valladolid tribunal, in 1659, sentenced Isabel Rubía and María Martin, for sorcery, to reside for four years in a place to be designated, where there was an official to whom they must present themselves monthly and who would report as to their amendment.[3] This was sometimes a form of commutation for imprisonment, as in the case of Isabel Núñez, sentenced at Cuenca to prison and

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 41.
[3] Ibidem, fol. 42.

Sanbenito, which was modified to four years' exile at San Clemente. December 24, 1657, she presented a notarial certificate of her being there and begged that, as she was 74 years old and very poor and miserable, she might be released, in honor of the birth of the prince (Felipe-Prosper) or at least have the place changed to Alcalá, Guadalajara or Pastrana, where there were people who would help her. This pitiful petition was simply endorsed to be filed with the papers of the case, which indicates that it was refused.[1] A more rigorous example of this, which shows that no limit was placed on the discretion of the Inquisition, was the banishment for life to the Philippines, in 1802, of two frailes concerned in the imposture of Isabel María Herraiz, known as the Beata of Cuenca.[2] Conversely, a penitent might be prohibited to leave a designated place, as when, in 1599, Rodrigo Ramírez, a Morisco of Yepes, was forbidden for three years to leave Yepes without licence.[3]

As the ordinary form of exile was easily violated, the sentence, as we have seen above, was frequently accompanied with a threat of increased penalties for non-fulfilment. In Toledo this seems ordinarily to be a doubling of the original term, but frequently it was more severe as, in 1604, at Valencia, the sentence of Bartolomé Posca added to this a hundred lashes and, in 1607, Francisco Xiner, condemned to five years' exile, was threatened with three years of galleys.[4] It was probably to check, in some degree, the facility for evasion that the Suprema, in 1665, required the tribunals to furnish it with a description of the culprit whenever they pronounced a sentence of exile. As this always comprised Madrid and, as the capital was likely to attract the homeless waifs, details which might assist in their identification were useful.[5]

RAZING HOUSES.

In the imperial jurisprudence, houses in which heretics held their conventicles were forfeited to the Church and this provision

[1] Archivo de Simancas, Inquisicion, Leg. 1183, fol. 6.

[2] Llorente, Hist. crít., Cap. XLIII, Art. iv, n. 1.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—Ibidem, Inquisicion de Valencia, Leg. 2, n. 10, fol. 1, 7, 41, 42.

[5] Libro XIII de Cartas, fol. 38 (MSS. of Am. Philos. Society).

was adopted in the legislation of Alfonso X.[1] When prosecution was systematized in the thirteenth century, this was modified to tearing down all houses in which heretics were found, the site remaining forever accursed and unfit for human habitation. This was accepted by the Church and found its way into all the lands that admitted the Inquisition.[2] Aragon adopted it and when, about 1340, the Spiritual Franciscan Fray Bonanato was burnt, and his disciples were scattered, the building which they had occupied at Villafranca del Panadés, near Barcelona, was levelled to the ground.[3]

In the early days of the Spanish Inquisition, the strict enforcement of the rule would have led to great destruction and serious impairment of the value of confiscations. It seems therefore to have been reserved for buildings in which the heretics or apostates had been accustomed to assemble, and then the king, as the recipient of confiscations, decided the matter. A letter of Ferdinand, May 23, 1501, to Aliaga his receiver at Valencia, states that the inquisitors have asked him to decree the destruction of a house in which a synagogue had been found, to which he assents with the suggestive addition that the civic authorities must be ordered to offer no opposition. It turned out that Ferdinand had already given the house to Juan Pérez, the scrivener of sequestrations, whereupon he ordered Aliaga to have it appraised and to pay the value to Pérez.[4] He seems to have offered no opposition to Lucero's operations in Córdova, where a number of houses were torn down as having served as synagogues, and he ordered them rebuilt when the Congregacion Católica assembled at Valladolid, in 1509, pronounced the prosecutions fictitious.[5]

When the confiscations passed to the Inquisition, financial considerations apparently got the better of zeal, for when, in 1539, at Valencia, trials of a number of Judaizers revealed that a crucifix had been maltreated in a house used for their assemblies, and the tribunal desired authority for its destruction and the erection of a memorial chapel, the Suprema replied cautiously with a number of questions as to value, location and expense, as there were

[1] Constt. v, VIII, § 3, Cod. I, v.—Siete Partidas, P. VII, Tit. XXXVI, ley 5.

[2] Alexand. PP. IV, Bull *Ad extirpanda*, § 21.—Huillard Bréholles, Hist. Diplom. Frid. II, T. IV, pp. 299–300.—Pegnæ Comment. 92 in Eymerici Director. P. III.

[3] Eymerici Director. P. II, Q. 11.

[4] Archivo de Simancas, Inquisicion, Lib. 1.

[5] Llorente, Añales, I, 359.

no funds for the purpose, and it ordered the auto de fe to be held, reserving decision as to the house.[1] The subsequent proceedings against the convicts, who revoked their confessions, show that the house was still standing four or five years later.

There was no such hesitation in the stimulated excitement following the discovery of Protestantism in high places in 1559. When, in the Valladolid auto de fe of May 21, the Cazalla family were nearly exterminated, the house of the mother, Leonor de Vibero, where the little group used to assemble, was razed, and a pillar was erected on the spot, with an inscription that can still be read—"During the pontificate of Paul IV and the reign of Philip II, the Holy Office of the Inquisition condemned this building of Pedro de Cazalla and Leonor de Vibero his wife to be torn down and levelled with the ground, since here the Lutherans assembled to hold meetings against our holy Catholic faith and the Church of Rome, May 21, 1559." Similarly in the great auto of Seville, September 24, 1559, the houses of Luis de Alerego and Isabel de Baena, which had served as Protestant conventicles, were destroyed.[2]

A thrifty disposition to restrain inconsiderate zeal for obliterating the receptacles of heresy was manifested by the Suprema, in 1565, when it forbade the razing of a house unless it belonged to the delinquents and thus would not have to be paid for.[3] This restriction, however, was not observed on an occasion which was perhaps the latest as well as the most conspicuous example of the practice. In the great Madrid auto of July 4, 1632, which was honored by the presence of Philip IV, among those who were burnt were Miguel Rodríguez and his wife Isabel Núñez Alvárez, in whose house not only were held Jewish meetings, but an image of Christ had been scourged and when it shed blood and thrice spoke to them they consumed it with fire. Of course it was doomed and on the day after the execution the Inquisition ordered it to be appraised in order that the owner might be compensated. He was the Licentiate Barquero, a highly respected jurist, who protested against its destruction until he received good security for its value. No time was lost. On the 6th the Inquisitor

[1] Archivo de Simancas, Inquisicion, Lib. 78, fol. 235.

[2] Bibl. nacional, MSS., S, 121.—Pegnæ Comment. 92 in Eymerici Director. P. III.—Ed. Böhmer, Francisca Hernández, p. 228.—Archivo de Simancas, Hacienda, Leg. 25, fol. 2.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 19.

Cristóval de Ibarra, accompanied by the Admiral of Castile, the Duke of Medina de la Torres and other gentlemen, many familiars and a crowd of workmen, and preceded by a guard of halberdiers with banner and drums, marched to the spot, where a secretary read a proclamation of the Toledo tribunal to the effect that it ordered the demolition of the house where a holy Christ had been scourged and maltreated. Then the drums beat and the workmen assailed the structure so zealously that by nine o'clock that night there was not a vestige of it left, the populace eagerly aiding them in tearing the stones from the walls and carrying off the timbers. The site was not left, as the canons direct, to be a receptacle of filth. Money was raised and a Capuchin convent was erected, known as La Paciencia, in remembrance of the patience with which Christ had borne the indignities heaped upon him.[1]

SPIRITUAL PENANCES.

It might be presupposed that, in dealing with spiritual offences, and professing that its main object was the salvation of souls, the Inquisition would incline rather to spiritual exercises than to pecuniary and corporal punishments—that it would seek to instruct and elevate the spirit rather than to afflict the body. Religious persecution, however, has always preferred the harshness of coercion, and has held that the surest way to bring conviction to the soul was to torment the flesh. We need therefore not be surprised to see how insignificant a place spiritual penances held in the sentences of the Holy Office, and it would scarce be worth while to consider them except to note how little was the importance attributed to them by the tribunals.

Except in trifling cases, which merited no real punishment, such spiritual penances as we occasionally meet with are conjoined with material penalties. A man sentenced to imprisonment may perhaps be required to fast on Fridays for six months or a year, and to recite on those days a prescribed number of Ave Marias and Paternosters or other prayers. Pilgrimages to shrines as distant as St. Thomas of Canterbury or St. James of Compostela, so frequently prescribed in the medieval Inquisition, were unknown. It is true that the formula of sentence on the reconciled,

[1] Auto de la Fe celebrada en Madrid, esto año de 1632 (Bodleian Library, Arch. Seld. I, 1).—Llorente, Hist. crít. Cap. XXXVIII, Art. 1, n. 7.

condemning them to prison, requires them on Saturdays to make a pilgrimage to some designated shrine in the vicinity, where on their knees they must repeat with devotion five Paters, Ave Marias, Credos and Salve Reginas, but this was not often used in practice.[1] Clerical offenders, sentenced to reclusion in convents, frequently had spiritual exercises included among numerous other inflictions. While this moderation was the rule, occasionally of course the unlimited discretion of the tribunals made exceptions, as in a singularly ill-judged penance imposed at Toledo, in 1653, on Gerónima Mendes, a child ten years of age, convicted of Judaism, who was sentenced to a month's instruction in the faith and the daily recitation of the rosary for a year. Seeing that the rosary consists of seventeen Paternosters, sixteen Gloria Patris, a hundred and fifty-three Ave Marias and the Apostles' Creed, one can estimate the burden imposed on a child of such tender years and how little it would conduce to training the youthful penitent in a love for the faith.[2] Such an infliction however was exceptional, and it frequently happens, in the reports of the tribunals, after detailing the material portions of a sentence, that there is a mere general allusion to "some spiritual penances," which suggests how slender was the consideration bestowed on them. There is one type of better promise, not infrequent in the later period, such as a sentence pronounced at Toledo, in 1777, on Antonio Rubio and Diego González, condemned for heretical acts and blasphemy, the former to five years' labor in the arsenal of Cartagena and the latter to three years in the presidio of Ceuta, both of whom were required, before leaving prison, to perform fifteen days of spiritual exercises under a director who would instruct them.[3]

The hearing of mass as a penitent, which was a very frequent infliction, cannot be classed as a spiritual penance—it was a simple humiliation and was so intended, especially when performed publicly in church.

UNUSUAL PENALTIES.

A few instances will indicate how the tribunals sometimes used their wide discretion in adapting to any given case what was

[1] Pablo García, Orden de Processar, fol. 34.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[3] Ibidem.

deemed an appropriate penalty. It is true that when Valencia, in 1539, made Fray Torres, a priest, appear in a public auto de fe, with a bridle in his mouth and a pannier of straw on his back, the Suprema rebuked it and forbade such eccentricities for the future.[1] So when, in 1568, Inquisitor Morales reported that, during his visit to San Sebastian, he had condemned certain offenders to have sermons preached at their expense, the Suprema mildly remarked that this was a novelty.[2] In an auto de fe at Llerena, in 1579, there was a negress named Catalina, the slave of a man of Zafra. It was doubtless through consideration of his interests that she was spared the corporal chastisement visited on her accomplices, but there was a distinct invasion of his rights in a prohibition to him to sell her without licence from the inquisitors.[3] In 1607, at Valencia, a single witness accused María Tubarri, a Morisca midwife, of using Moorish ceremonies in baptising infants, and of circumcising the males; the proof, against her denial, was not thought sufficient to justify torture and she was required only to abjure *de levi*, but she was deprived for life of practising her profession.[4] There was wisdom, if a trifle arbitrary, in a sentence at Toledo, in 1685, on Lucas Morales for blasphemy, for it included, among other penalties, a prohibition to gamble—a sensible provision against relapse, for gaming was recognized as the most prolific source of blasphemy.[5]

There was the same latitude in vindictive as in deterrent punishments. At Valladolid, from 1635 to 1637, there were several Judaizers convicted of maltreating an image of Christ. The consultors voted for relaxation, but the Suprema approved the decision of the inquisitors that they should have the right arm nailed to a stake in the form of a cross, while their sentences were being read in an auto de fe.[6] Less symbolical and still more original was a spectacle devised for the Mexican auto of December 7, 1664, where one of the penitents was stripped to the waist, while two Indians smeared him with honey and covered him with

[1] Archivo de Simancas, Inquisicion, Lib. 78, fol. 332.
[2] Ibidem, Lib. 81, fol. 27.
[3] Bibl. nacional, MSS., S, 121.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 44.
[5] Ibidem, Inquisicion de Toledo, Leg. 1.
[6] Archivo de Simancas, Inquisicion, Leg. 552, fol. 17, 22.—At this period autos de fe were not frequent and, at the close of 1638, the culprits were still awaiting one.

feathers, in which guise he was made to stand in the sun for four hours on the staging.[1] Even recruiting for the army was not beneath the dignity of the tribunal as when, in 1650, Toledo condemned Andrés de Herrera Calderon, for blasphemy, to serve for four years in the campaigns against Portugal and Catalonia, where doubtless he enriched his vocabulary of expletives.[2]

There evidently was no defined limit to the power of suiting the penalty to the inquisitorial conception of the offence, and the tribunals made ample use of their prerogative.

[1] Obregon, México viejo, 1ª Serie, p. 186 (México, 1891).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

CHAPTER III.

HARSHER PENALTIES.

THE SCOURGE.

ALTHOUGH at first sight the use of the lash, as a persuasive to correct religious belief, may appear somewhat incongruous, it must be borne in mind that, under the euphemy of the discipline, it has always formed a prominent feature of penance, especially among the monastic orders where, in the daily or weekly chapters, it was liberally administered for all infractions of the Rule or other sins, as a preliminary to absolution. In fact, the touching of the penitent's shoulder with a wand by the priest in absolution from excommunication, is a symbol of the discipline which was anciently indispensable. In the Old Inquisition it was in frequent use, although there it was rendered a matter of edification, through its infliction by priests during divine service or in religious processions. That it should form part of the penal resources of the Spanish Holy Office was therefore natural, although it lost its penitential aspect and became purely punitive and vindictive.

It was no longer the priest who wielded the discipline with an indeterminate number of strokes during an indeterminate series of feast-days. The tribunal prescribed the number of lashes and they were laid on by the vigorous arm of the public executioner. The penitents who had to suffer appeared in the auto de fe with halters around their necks; if there was one knot in the halter, it signified a hundred lashes, if two, two hundred and so on, one hundred being the unit and the minimum number. The next day the populace was treated to the spectacle. Mounted astride of asses, bared to the waist, with halter and mitre bearing inscription of their offences and a *pié de amigo* holding the head erect, they were paraded through the accustomed streets, with a guard of mounted familiars and a notary or secretary to make record, while the executioner plied the *penca*, or leather strap, on the naked flesh, until the tale was complete, and the town-crier proclaimed that it was by order of the Inquisition for the crimes

specified. A clause in the proclamation, after the great Madrid auto of 1680, forbidding, under pain of excommunication, any one to throw stones at the penitents, indicates that the populace had a playful habit of thus manifesting its detestation of heresy.[1]

In 1568 the Suprema rebuked the Barcelona tribunal for condemning to public scourging penitents reconciled for heresy. This, it said, was contrary to the *estilo* of the Inquisition, and in future the lash was not to be used unless there was some other crime than heresy.[2] This indicates how completely the scourge had become punitive and how it was dissociated from the ancient discipline, but if such regulation existed it met with scant recognition. All the offences subjected to the Inquisition were constructively heretical, and there never seems to have been any discrimination exercised between them. Indeed, we have seen that the lash was especially indicated for heretics who were tardy or variable in their confessions, and Judaizers are constantly seen to be subjected to it.

Scourging was a favorite penalty which was lavishly and often mercilessly employed. In the Saragossa auto of June 6, 1585, out of a total of seventy-nine penitents, twenty-two were scourged; in that of Valencia, in 1607, of forty-seven penitents, twenty-four received the lash.[3] This, however, exceeds the average. The Toledo reports, from 1575 to 1610, present a hundred and thirty-three cases of scourging which, allowing for a break in the record, give about four per annum.[4] On the other hand, a collection of autos de fe celebrated between 1721 and 1727, embracing in all nine hundred and sixty-two cases, affords two hundred and ninety-seven sentences of scourging, or about thirty per cent.[5] When

[1] Pablo García, Orden de Processar, fol. 41.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 31, fol. 2.—Bibl. nationale de France, fonds espagnol, 354, fol. 242.—Bodleian Library, Arch. Seld. I. 1.—Olmo, Relacion del Auto, pp. 294–5.

The Roman Inquisition was more merciful. Not only was scourging much lighter than in Spain and less frequently prescribed but, by a decree of Feb. 23, 1641, it was commuted when the offender had sisters, daughters or grandchildren of respectable position. It was also spared to women who had husbands or marriageable daughters.—Collectio Decretor. S. Congr. Sti Officii, p. 358; Ristretto cerca li Delitti più frequenti nel S. Offizio, p. 53 (MSS. *penes me*).

[2] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.

[3] Danvila y Collado, Expulsion de los Moriscos, pp. 208–16.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10.

[4] MSS. of Library of Univ. of Halle, Yc, 20. T. I.

[5] Royal Library of Berlin, Qt. 9548.

we recall that, in the list of officials reported by Murcia, in 1746, there figures Joseph García Bentura as *notario de açotaciones*—a notary of scourgings—to keep record of the stripes, with a salary of about 2500 reales, we realize how prominent a feature it was in inquisitorial penology.[1] The brutalizing effect on the populace of these wholesale exhibitions of flogging, especially of women, can readily be estimated.

The usual number of lashes prescribed was two hundred, though in occasional cases a hundred sufficed. In the two hundred and ninety-seven just alluded to, two hundred and ninety were of two hundred lashes and only seven of one hundred. It was rare that two hundred were exceeded in any one infliction, though sometimes it was mercilessly duplicated, as in the Seville auto of September 24, 1559, Martin Fernando Saldrian, a shepherd, for blasphemy was scourged in Seville and again in his native town; Alonso Martin of Carmona, for Lutheranism, was scourged in both Seville and Carmona and Juan de Aragon of Málaga, who had pretended to be a familiar, was scourged in Málaga and again in the scene of his offence.[2]

Probably two hundred lashes were about the limit of safety, especially with those enfeebled by prolonged incarceration, for the infliction was excessively severe. We hear of Margarita Altamira reduced to such extremity after a scourging that the viaticum was administered to her.[3] There was no mercy for age or sex. In the Valencia auto of January 7, 1607, Isabel Madalina Conteri, a Morisca girl of 13, after overcoming torture, had a hundred lashes, Jayme Chulayla, a Morisco of 76, who had been tortured, had a hundred and the same was administered to Francisco Marquino, aged 86 for sorcery in treasure-seeking, while Magdalena Cahet, aged 60, who had escaped torture on account of heart-disease, was not spared a hundred.[4]

As the eighteenth century advanced there appears to be more readiness to remit the execution of sentences of scourging on account of age and infirmities and of "accidentes," which probably mean crippling by torture. Then there developes a tendency to spare women and finally men; the sentences continue to be pronounced, but they are remitted by the inquisitor-general. In

[1] See Appendix to Vol. II.

[2] Archivo de Simancas, Hacienda, Leg. 25, fol. 2.

[3] Proceso contra Margarita Altamira, fol. 40 (MSS. of Am. Philos. Society).

[4] Archivo hist. nacional, Inquisicion deValencia, Leg. 2, n. 10, fol. 37, 54, 55, 74.

1769, at Toledo, Gerónimo Clos, for bigamy, was pardoned the two hundred lashes of his sentence, which could not have been for infirmity, as he was not released from hard labor for five years in the royal works at Cartagena.[1] From this time scourging may be regarded as obsolescent and soon to become obsolete. Under the Restoration, from 1814 to 1820, in the *votos secretos*, there is not a case in which the lash was inflicted, for when included in the sentences, it was always remitted by the Suprema.[2]

The clergy, of course, were not subjected to the disgrace of public scourging. In their cases it took the form known as a circular discipline, administered in a convent by all the inmates in turn.

VERGÜENZA.

Vergüenza, or shame, was the same as scourging, with the lashes omitted. The culprit, stripped to the waist and with the *pié de amigo*, was paraded through the streets, with the insignia of his offence, while the town-crier proclaimed his sentence. It was naturally regarded as less severe than scourging and was sometimes substituted for the latter, when the penitent was too aged or feeble to endure the lash. For the beldams and ruffians who were often its subjects it could have had but few terrors, but it was greatly dreaded by those of sensitive nature. The inquisitors took little count of this, when dealing with Judaizers and Moriscos, who had a keen sense of personal dignity, and Pedraza informs us that those exposed to it regarded death as a mercy, preferring to die rather than to endure a life of infamy.[3] To young women the exposure was especially humiliating, yet, on the whole, it may be regarded as more humane than the pillory of our forefathers, for the penitent was not exposed to the missiles of a brutal populace.

Vergüenza was a comparatively infrequent punishment. In the Toledo reports of 1575–1610 it occurs in but twenty-six sentences, which may be compared with the hundred and thirty-three scourgings, and the records of the same tribunal from 1648 to 1794 present but ten vergüenzas to ninety-two scourgings. In the very severe series of autos de fe between 1721 and 1727, the comparison is thirteen to two hundred and ninety-seven.

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[2] Archivo de Simancas, Inquisicion, Lib. 890.
[3] Pedraza, Hist. eccles. de Granada, P. IV, Cap. 129 (Granada, 1638).

MORDAZA.

The *mordaza* or gag, as we have seen, was regarded as increasing greatly the severity of the infliction of which it formed part. It was sometimes used in scourging and vergüenza, when the so-called penitent was a hardened blasphemer or likely in some way to create scandal. It was likewise employed in the autos de fe, on pertinacious and impenitent heretics of whom it was feared that they might on their way to the stake produce an impression on those not firm in the faith.[1] Its use was not frequent, although, in the dread inspired by Protestantism, in 1559, at the great Seville auto of September 24th, twelve of the victims wore the mordaza. There were also twelve thus gagged in the Madrid auto of 1680, but these numbers were exceptional.[2]

THE GALLEYS.

Enslavement in the galleys, to labor at the oar, would appear to be even more incongruous than scourging as penance for spiritual offences. It was a Spanish device, unknown to the elder Inquisition, and had its origin in the thrifty mind of Ferdinand. We shall presently see how exercised were the monarch and the Holy Office over the problem presented by the maintenance of those condemned to the canonical penalty of perpetual prison, and Ferdinand, whose Sicilian possessions required a powerful navy, bethought him of the expedient of utilizing his able-bodied prisoners to man his galleys—the galley propelled by oars being as yet the equivalent of the modern battle-ship. Galley-service was recognized as so severe that the old fueros of Aragon forbade it under heavy penalties, except with the free assent of the individual, and it was not until the curtailment of ancient privileges, in the Córtes of Tarazona in 1592, that judges were permitted to use it as a punishment for robbers.[3] In Castile, the pressure for slaves to man the galleys is indicated by a royal cédula of November 14, 1502, commuting the death-sentence of criminals in the secular

[1] Simancæ de Cath. Instt. Tit. XLVIII, n. 6.—Pablo García, Orden de Processar, fol. 31.

[2] Archivo de Simancas, Hacienda, Leg. 25.—Olmo, Relacion del Auto, p. 104.

[3] Fueros de Aragon, fol. 164, 204, 220, 238 (Zaragoza, 1624).

courts, and ordering them to be sent to the galleys.[1] It was probably about this time that Ferdinand turned to the Inquisition, which was bound by no laws, for relief from overcrowded prisons and undermanned galleys. Even the callous morality of the age seems to have been shocked at this and, as usual, the sanction of the Holy See was sought for the iniquity. It was of course granted, and Alexander VI, in a brief addressed to the inquisitors, May 26, 1503, recited that Ferdinand and Isabella had represented to him that those condemned to perpetual prison relapsed into heresy; that there was a lack of prisons in which they could be confined without perverting others, and that multiplication of prisons would lead to dissemination of heresy; that their power to commute imprisonment into other perpetual punishment had been called into question, and that they had asked him to provide a remedy. As the chief solicitude of the inquisitors should be the prevention of relapse, he therefore empowered them to change the perpetual prison of penitents into other penalties—deportation to the colonies, or imprisonment in the royal galleys, where, in perpetual confinement, they might render enforced service, or to any other perpetual punishment, according to their quality and offences.[2]

That full advantage was taken of this there can be no doubt, to the relief of the prison funds and the facilitation of the conquest of Naples. We chance to hear of the transfer at Barcelona, January 24, 1505, of nineteen prisoners from the gaol of the Inquisition to the galleys of Ramon de Cardona, which we may fairly accept as an example of what was on foot everywhere.[3] In fact, the eagerness of the tribunals to disembarrass themselves of their prisoners seems to have led to their discharging on the galleys those in every way unfit for the service, for the Suprema was obliged, in 1506, to declare that men over 60, clerics and women were exempt from the punishment of the galleys.[4] Even Ferdinand himself, towards the close of his career, seems to have shrunk from the responsibility of openly authorizing an extension of this heartless business for when, in 1513, the Inquisitor of Sicily asked permission to send to the galleys those condemned to perpetual

[1] Archivo de Sevilla, Seccion primera, Carpeta v, n. 41 (Sevilla, 1860).

[2] Bulario de la Orden de Santiago, Lib. II, fol. 130.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 292.

[3] Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 166).

[4] MSS. of Royal Library of Copenhagen, 218^{b}, p. 187.

prison, Ferdinand threw the decision back on him; to build prisons will cost much money, he said, but the galleys may deter men from confessing their heresy; the inquisitor is therefore to think the matter over and do what he deems best.[1] The conclusion reached is unknown, but we may reasonably surmise that the Palermo tribunal did not waste its funds in constructing prisons.

Ferdinand's hesitation seems to have been shared by Charles V for, in 1527, the Suprema ordered that penitents should not be sent to the galleys but should have other penances.[2] The motive for this humane provision, however, did not long withstand the more pressing economical considerations. In 1529, Rodrigo Portuondo, captain-general of the galleys, was instructed that no one sent to them by the Inquisition should hold any office or administration, or have charge of the rations, showing that the prohibition had been rescinded.[3] Apparently the superior intelligence of the penitents had rendered them more useful as petty officers and accountants than as slaves of the oar, but this alleviation of their misery did not satisfy the spirit of persecution and it was probably to prevent it that the formula of the sentence was service at the oar without pay—unless, indeed, the penitent was of gentle blood, in which case he could he sent to serve as a gentleman or as a soldier.[4]

We have already seen to what profitable account the Inquisition turned the power which it had assumed to grant dispensations from this abhorrent servitude, and a case in 1558 indicates how it guarded against any invasion of its prerogative. Philip II was led to interest himself in the case of Andrés de Frias, condemned to the galleys, and asked to have him dispensed from the remainder of his term. To this the Suprema demurred, saying that the statement of Frias was untrue, for in Rome he had treacherously stabbed to death the procurator of the Inquisition, Doctor Puente, after dining with him and promising to sup with him; moreover the seventeen months which he claimed to have served had not been as a galley-slave, as required by his sentence. Still, if he would present himself and manifest repentance there might

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 238.
[2] Ibidem, Lib. 76, fol. 71.
[3] Mem. histórico español, VI, 501.
[4] Pablo García, Orden de Processar, fol. 41.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

be opportunity for the king to show him mercy, but otherwise it would greatly impair the authority of the Inquisition.[1]

Philip was not given to interceding for those sent to his galleys, for galley-slaves continued to be in great demand. In 1567 the Venitian envoy, Antonio Tiepolo, explains the weakness of the Spanish navy by the fact that its galleys were manned with slaves and *forçats*, who were not numerous enough to keep many galleys at sea. It would be, he says, impossible to man them with freemen, as in Venice, for no one would serve voluntarily, as the ill-treatment of the crews is notorious and their dying for lack of the necessaries of life.[2] It is true that there was a curious source of supply, besides the ordinary criminals and heretics, for the prelates of the religious Orders were accustomed to condemn their peccant brethren to the galleys, from the same economical motive that had actuated Ferdinand—to save the expense of maintaining them in prison.[3] Still, the needs of the armadas were pressing; Philip turned to the Inquisition for aid, and, in 1567, the Suprema issued two decrees intended to assist in manning the royal galleys. One bore that sentences must not be for less than three or four years, for otherwise the penitents cost the king more than the service he got from them, and this was enforced by a royal cédula of 1584.[4] The other suggested—suggestion being equivalent to an order—that sentences to the galleys could be substituted for those to prison and sanbenito. The practical deduction drawn from this is expressed by a writer of the period, who says that, if the accused confesses but does not satisfy the evidence, he is to be tortured and, if he still fails to satisfy the evidence, it is customary to send him to the galleys, but this must be for not less than three years.[5] To appreciate fully this atrocity, it must be borne in mind that torture could only be used in cases of doubt where the evidence was defective, so that, besides the torture the victim was sent to the galleys for suspicion of heresy.

Even this did not satisfy the royal exigency and a further inex-

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 228.

[2] Relazioni Venete, Serie I, T. V, p. 140.

[3] Bledæ Defensio Fidei, p. 310.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 119; Lib. 962, fol. 25.—Elucidationes Sti Officii, § 6 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 65, 66.

[5] MSS. of Royal Library of Copenhagen, 218b, p. 187.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

cusable step was taken. We have seen that tardy and imperfect confessions were visited with scourging and sometimes with the galleys, while the *buen confitente*, who confessed promptly and freely, was allured with promises of special consideration and mercy. Yet, in 1573, the Suprema issued a carta acordada ordering that Conversos, even when *buen confitentes*, should be sent to the galleys, and this it repeated in 1591, with injunctions for its enforcement.[1] The name of religion has not often been more brutally prostituted than in these provisions, and their success may be measured by a report of the inquisitors of Saragossa to Philip, of an auto celebrated June 6, 1585, in which they call his special attention to their zeal in furnishing him with twenty-nine galley-slaves for six years, besides three left over from a previous auto—and this in Aragon, which forbade galley-service as a punishment for the most heinous crimes.[2]

The galley-captains naturally were not punctilious in discharging the men when their terms had expired, giving rise to perpetual friction. The sentence ordinarily was to a term of prison or exile, of which the first three years or more were to be passed at the oar, and this was set forth in the certificates given to the penitents. The tribunals kept watch over them, and demanded their return to serve out the rest of their sentences, but this was not an easy task. The vigilance exercised is illustrated by a royal cedula addressed to the captain of a galley, ordering him to release two men whose terms had expired, and warning him that in future all such persons were to be returned to the tribunal that had sentenced them.[3] This was followed, in 1568, by general instructions to Don John of Austria, as Captain-general of the Sea, and to all captains of galleys, reciting the complaints of the Sicilian tribunal that its reclamations of its penitents were not complied with, and ordering their restoration to their tribunals without waiting for demands.[4] This was ineffectual and, in 1575, we find the Barcelona tribunal instructed to prosecute the captains who impede the discharge of those who had served out inquisitorial sentences.[5] The trouble was perennial and, in 1645, we have a formula of

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 285, 329.
[2] Bibl. nacional, MSS., PV, 3, n. 20.
[3] Archivo de Simancas, Inquisicion, Lib. 10, fol. 1.
[4] Archivo de Simancas, Inquisicion, Lib. 10, fol. 5.—Franchina, Breve Rapporto del Trib. della S. S. Inq. di Sicilia, p. 189.
[5] Archivo de Simancas, Inquisicion, Lib. 82, fol. 148.

requisition for the return of the party specified, under pain of excommunication and of five hundred ducats, and the tribunal of the port where the galleys lie is requested to see to its execution. A significant note however adds that this is scantly courteous to such great men as the generals of the galleys, and that it is better to ask the tribunal of the port to procure the release by friendly negotiation.[1]

The cases could not have been infrequent in which men, utterly unfit for the privations and ill-usage of the galley-slave, were condemned to this hard service, and no doubt many perished in consequence. Yet exemptions on this ground were reluctantly admitted, if we may judge from a rebuke administered, in 1665, by the Suprema to the Barcelona tribunal, in a case where this was asked; the opinions of the physician and surgeon were insufficient; other professionals must be called in and examination be made as to the penitent's condition when, if it appears that he is unfit for the service, the sentence can be commuted to eight years of exile as proposed.[2] It is a marked expression of the humanitarian development of the eighteenth century that, even in the fierce persecution of its first quarter, in 1721 it was ordered that, before imposing a sentence to the galleys, the delinquent should be examined by the physician and surgeon and, if incapacitating weakness appeared, it should be mentioned in the vote of the consulta de fe that, in consequence of it, the sentence was commuted to irremissible imprisonment.[3] The succeeding autos show that this bore fruit in sundry commutations, although the alternative of irremissible prison was not observed, and less severe penalties were sometimes substituted.[4]

In the sixty-four autos de fe between 1721 and 1727, of which we possess details, there were ninety-two sentences to the galleys and seven to service in the presidios. There was a certain relation between the two. In the seventeenth century legislation on offences connected with the coinage, the galleys were provided for commoners and presidio service for gentlemen and, as the century drew to a close, we find the Inquisition no longer sending gentlemen to serve as soldiers on the galleys but to Oran, Ceuta,

[1] Modo de Proceder, fol. 72 (Bibl. nacional, MSS., D. 122).
[2] Libro XIII de Cartas, fol. 116 (MSS. of Am. Phil. Society).
[3] MSS. of Royal Library of Copenhagen, 218b, p. 187.
[4] Royal Library of Berlin, Qt. 9548.

Gibraltar, Badajoz, Peñon and other royal works and garrisons.[1] In the eighteenth century Inquisition, the galleys for all classes were gradually supplanted by the presidio, if we include in the term enforced labor in the royal dock-yards and arsenals as well as in the African garrisons. Galleys were disappearing from the sea and, in the Inquisition, they were superseded by the *bagne*, in its various forms of hard work. In 1742, the Toledo tribunal condemned Rafael Nuñez Hernández, for certain errors, to eight years of exile of which the first five were to be passed serving the king in the unwholesome quicksilver mines of Almaden, and the last sentences to the galleys that I have met occur in 1745, when Nicholas Serrano was condemned at Toledo for bigamy to eight years of service in them, and Miguel Gutiérrez and Francisco García, at Valladolid, for relapse into Judaism, to ten years. After this the galleys may be said to be obsolete, even for bigamy, as is seen in a sentence of the Valencia tribunal in 1781.[2]

The presidio continued as a punishment under the Restoration, but cases were so rare that there was question as to the reception of the convicts in their places of destination. In 1818, the Seville tribunal sentenced three persons—two for propositions and one for bigamy—to two years' service in Ceuta or Melilla, and it asked the Suprema to get the minister of war to issue orders to the governors to receive them. The Suprema replied that this was the business of the tribunal; it must do as on former occasions, and if necessary could write to the governors. The *forçats* were duly received and, it is pleasant to add that, in six months, the Suprema humanely remitted the punishment in order that they might return and support their families. For this an order from the secretary of the Council of War was required and procured.[3]

For women, the equivalent of the galleys was service without pay in hospitals, houses of correction and similar institutions. Apparently these female convicts were not always regarded as desirable inmates and though, in the pre-revolutionary times, no opposition was ventured, under the Restoration there was sometimes difficulty in securing their admission. In 1819 the Seville tribunal appealed to the Suprema, representing that it had been

[1] Autos acordados, Lib. v, Tit. xxi, Auto 13.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[2] Archivo hist. nacional, *loc. cit.*; Inquisicion de Valencia, Leg. 16, n. 5, fol. 50.—Royal Library of Berlin, Qt., 9548.

[3] Archivo de Simancas, Inquisicion, Lib. 435[2].

unable thus to dispose of Juana de Luna, for the same reasons which it had experienced in the cases of Ana Barbero and Leonor Macias. The Inquisition inspired no such terror as of old, for the Suprema could suggest no means of overcoming the difficulty, and could only instruct the tribunal to devise some method of executing its sentences.[1]

It is not to the credit of the Roman Inquisition that it followed the example of the Spanish and included the galleys in its list of punishments. Carena, indeed, tells us that it was the most usual of all and was the customary penalty in a wide variety of offences.[2]

RECONCILIATION.

That reconciliation to the Church, which was represented as a loving mother, eager to welcome back to her bosom her erring children, should be regarded as a punishment, seems a contradiction in terms, yet so it was, and the Suprema did not hesitate to speak of those "who had been condemned to reconciliation."[3] It would not be easy to invent a more emphatic illustration of the perversion of the spirit of religion by persecuting fanaticism.

The apostate or the heretic, who had abandoned the Church after admission through the waters of baptism, could only be reincorporated by abjuring his errors and applying for reconciliation. In the case of Conversos, who secretly adhered to the Mosaic or Mahometan law, there could be no question as to this, nor was there with such heretics as Protestants. To what extent other errors might constitute formal heresy requiring reconciliation, or might infer suspicion of heresy, light or vehement, was a problem for the calificadores, and sometimes was an intricate one, for the gradations of theological error are infinite and subtile.

In the tumultuous proceedings of the early period when, under Edicts of Grace, penitents came forward by the thousand, confessing their errors and begging for reconciliation, the ceremony was naturally simple. Under the Instructions of 1484, the form

[1] Archivo de Simancas, Inquisicion, Lib. 435[2].

[2] Carenæ de Officio SS. Inquisit. P. III, Tit. xiii, § 3.

[3] Archivo de Simancas, Inquisicion, Lib. 942, fol. 15—"Los avitos de las personas que en tal auto se condenaron á reconciliacion."—Cf. Elucidationes Sancti Officii § 57 (Archivo de Alcalá, Hacienda, Leg. 244[3], Lib. 4).

described by Joan Andrea was to be used: the inquisitors declared that the penitent had been an apostate heretic, who had followed the rites and ceremonies of the Jews and had incurred the penalties of the law but, as he now says that he has been converted and desires to return to the faith, with a pure heart and faith unfeigned, and is ready to accept and perform the penances to be imposed, they must absolve him from the excommunication incurred through the said crime and must reconcile him to Holy Mother Church, if, as he says, he is converted to the holy faith truly and without fiction.[1]

No mention is made here of any subsequent ceremonies, although at least abjuration must probably have followed. When procedure was less hurried and there had been time for its elaboration, the process became impressive. The sentence recited that the penitent was admitted to reconciliation; that as penance he was to appear in an auto de fe, without girdle or cap, in a penitential habit of yellow cloth, with two red *aspas* or bands forming a St. Andrew's cross, and a candle in his hand when, after his sentence is read, he should publicly abjure the errors confessed and all other errors and apostasy, after which "we order him to be absolved and we absolve him from any excommunication which he has incurred and we unite and reincorporate him in the bosom and union of the Holy Mother Catholic Church, and we restore him to participation in the holy sacraments and communion of the faithful"—to which was appended a recital of the various punishments to which he was condemned. After the auto de fe was ended, the abjuration was administered. This was similar to the abjuration *de vehementi* already given and in it he consented, in case of relapse, to submit to the penalties of the canons. On the conclusion of this, he was formally absolved and the next day his abjuration was read over to him, with a warning that in case of relapse he would be burnt.[2]

As described in an account of the Madrid auto de fe of 1632, this ceremony was imposing. The penitents to be reconciled were brought before the inquisitor-general who was presiding. While they kneeled before him he read a short catechism, comprising the creed with some additions, to each question of which they answered "Yes, I believe." Then the secretary recited the abjuration, in which they followed him. The inquisitor-general

[1] Instrucciones de 1484, § 10 (Arguello, fol. 10).
[2] Pablo García, Orden de Processar, fol. 33–36.

then pronounced the exorcism and the customary prayers and the royal chapel chanted the Miserere, during which the chaplains of the Inquisition struck the penitents with rods on the shoulders. After this the inquisitor-general recited the customary verses and prayers and the royal chapel sang a hymn, while the black cloth was removed from the cross, which had been covered as a sign of mourning, and the inquisitor-general concluded the solemnities with a hymn.[1]

Superficially, there is nothing formidable in this reception of a wandering sheep back into the fold, but the serious aspect of reconciliation, justifying its characterization as a punishment, lay in the penalties which were virtually inseparable from it, and were customarily included in the sentence—imprisonment, sanbenito, confiscation and disabilities, with occasionally scourging and the galleys, some of which we have already considered while others will be treated hereafter. There was further the fact that the canons pardoned the heretic but once. If, after reconciliation, he was guilty of reincidence, there was no mercy for him on earth, although the Church in its kindness, would not close the portals of heaven on him and, if truly contrite, would admit him to the sacraments, although it would not spare him the stake.[2] The crucial question of relapse, however, will be considered in the next chapter and meanwhile it should be said that the Spanish Inquisition did not always enforce this cruel precept. In the later period second reconciliations were by no means infrequent, and, even in the earlier time, men sometimes shrank from the holocausts which the strict enforcement of the rule would have caused amid a population terrorized into suddenly forswearing their ancestral faith. In Majorca, under the Edict of Grace, there were three hundred and thirty-eight reconciliations, August 18, 1488, followed by ninety-six on March 26, 1490. Soon after this an Edict of Mercy was published, under which there were reconciled a second time no less than two hundred and eighty-eight of the previous penitents. One of these, Antonia, wife of Ferrer Pratz was even reconciled a third time, June 28, 1509. Scattering cases of second reconciliations can also be found elsewhere.[3]

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

[2] Cap. 4 in Sexto, v, ii.—S. Th. Aquin. Summæ Sec. Sec. Q. xi, Art. 4.

[3] Archivo de Simancas, Inquisicion, Lib. 595.—Cf. D. Manuel Serrano y Sans, Revista de Archivos, Abril, 1902, p. 259.

There was a rule that the reconciled were not to be subjected to scourging or the galleys, even though they might have deserved them by varying and revoking confessions, but I cannot find that this was observed for, in both the earlier and later periods, cases as we have seen were numerous in which reconciliation was accompanied with these corporal punishments.[1] On the other hand, although the principle was absolute that reconciliation carried with it confiscation and perpetual prison, cases sometimes occur in which these penalties were lightened. In the Toledo auto of November 30, 1651, there were nine reconciliations, in which the accompanying punishments were mostly trivial—in one case the sanbenito was removed immediately on return to the Inquisition.[2]

It seems almost a travesty on solemn religious observances that effigies of the dead should be admitted to reconciliation but, as the grave afforded no refuge from the Inquisition, this was a logical outcome of the system, when a defunct heretic had recanted and sought reincorporation with the Church. As he could not be reconciled in person he had to be reconciled in effigy, especially as the sentence was necessary to secure confiscation of his estate. The only occasion of this was the death, during trial, of a prisoner who had confessed, professed conversion and received sacramental absolution on his death-bed. His trial would necessarily be continued and result in reconciliation, and the Inquisition saw no incongruity in parading his image before the people, and performing with it the solemn farce of reconciliation. There was a somewhat inexplicable instance in Majorca of three Judaizers, who had died in prison during their trials, in 1678, after manifesting the necessary signs of repentance; they were not included among the two hundred and twelve reconciliations, in the autos de fe of 1679, but, thirteen years afterwards, their effigies were reconciled in the auto of July 2, 1691 and no theologian seems to have asked himself what was their spiritual condition during this prolonged interval.[3] This reconciliation in effigy, was not, as Llorente states, an innovation introduced under Philip III, but was practised from the beginning, for there was an instance

[1] MSS. of Royal Library of Copenhagen, 218b, p. 336.—MSS. of Library of Univ. of Halle, Yc. 20, T. I.—Royal Library of Berlin, Qt. 9548.

[2] Rojas de Hæret. P. I, n. 115–16.—Bibl. nacional, MSS., S, 194, fol. 267.

[3] Garau, La Fee triunfante, pp. 113–14.

of it in Beatrix Sener, deceased, thus reconciled May 2, 1499, at Barcelona.[1]

Apparently the age of responsibility was the only minimum limit in reconciliation. In the Madrid Auto of 1632, Catalina Méndez, a child of 12, was reconciled with sanbenito and six months' imprisonment. At Toledo, in 1659, Beatriz Jorje and Ana Pereira, Portuguese Judaizers each ten years old, were reconciled; the former had her sanbenito removed at once; the latter was sentenced to confiscation and four months of prison.[2]

Reconciliation brought with it one alleviation, for the reconciled, as penitents, were entitled to the fuero of the Inquisition. This was derived from the penitential system of the Middle Ages, which deprived the penitent of bearing arms during the long series of years for which penance was imposed, and no one could be expected to assume it unless protected by the Church against his enemies. In this the Inquisition stood in the place of the Church, and cast its jurisdiction over its penitents during their term of penance. In 1501, we find a certain Pan Besante of Teruel, a *reconciliado*, to whom Ferdinand had restored his confiscated property, complaining to the king that he was persecuted and maltreated by his debtors and his neighbors, and that the inquisitors, to whom he had appealed for protection, neglected to aid him, whereupon Ferdinand promptly ordered them to come to his assistance, to enforce, by their officials, the payment of his just claims and to punish the aggressors.[3] So far was this carried that at Granada, in 1654, the reconciled penitents had an advantage in trade over the faithful, by claiming exemption from the *alcavala*, or royal tax on sales. When the citizens complained of this discrimination, the fiscal of the tribunal admitted that the question was a difficult one; to subject the penitents to the royal jurisdiction would give rise to great embarrassments, yet at the same time the inquisitorial jurisdiction ought to be a punishment and not a reward.[4] That it was a reward we have seen from the eagerness with which it was claimed by all who could put forward the slenderest pretext.

[1] Llorente, Hist. crít. Cap. xxxviii, Art. 1, n. 15.—Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 146).

[2] Relacion del Auto de 1632 (Bodleian Library, Arch. Seld. i, 1).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[3] Archivo de Simancas, Inquisicion, Lib. 1.

[4] Ibidem, Inquisicion de Granada, Expedientes varios, Leg. 2.

THE PERPETUAL PRISON.

Imprisonment for life was the penance imposed by the canons on the heretic who, under the persuasive methods of persecution, sought reconciliation to the Church. It was so decreed, indeed, by pope and emperor before the Inquisition was organized, and that institution relentlessly enforced the laws. That the Spanish Holy Office should accept it was a matter of course. Its expense, however, had proved a source of tribulation in the thirteenth and fourteenth centuries, and it was none the less so in Spain for, large as were the confiscations and pecuniary penances, they were squandered as fast as they accrued. In Torquemada's supplementary Instructions of December, 1484, the receivers are ordered to provide for the maintenance of the prisons, which shows that the sovereigns admitted their responsibility,[1] but, in the chronic financial disorder of the time, no regular provision was made, either for their establishment or support. It is true that, in 1486, at the earnest request of the inquisitors of Saragossa, Ferdinand ordered the receiver to construct a perpetual prison, in accordance with their desires, but it is safe to assume that he prudently postponed replying to their inquiry as to the maintenance of the captives.[2] In 1492, when the tribunal sentenced Brianda de Bardaxí to five years' imprisonment, it was to the tower of Saliana and this, in a few days, was changed to the convent of Santo Sepolcro in Saragossa.[3] In fact, for want of prisons, the custom was general of consigning reconciled penitents to strongholds, hospitals, convents, or even to their own houses—the latter presumably being such shelter as friends or kindred could afford to those who had been stripped by confiscation. The Instructions of 1488, indeed, authorize inquisitors, in view of the multitudes condemned to perpetual imprisonment and the lack of prisons, to designate to the penitents their houses, where they must confine themselves under the penalties provided by the laws. But this, it was added, was only meant to be temporary, and the sovereigns were supplicated to order that, at each tribunal, the receiver should provide a large enclosure with little huts and a chapel, where the prisoners could hear mass and could each work

[1] Vol. I, Appendix, p. 575.—Arguello, fol. 19.
[2] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 102. See Vol I, p. 567.
[3] Bibliothèque nationale de France, fonds espagnol, 80, fol. 168–9.

at his trade and earn his living, and thus relieve the Inquisition from heavy burdens, due care being taken to keep the sexes apart.[1] The only answer to this prayer seems to have been the device of relieving the prisons for the benefit of the galleys.

The laxity of quartering penitents on public institutions or in private houses led to impracticable rules in the effort to counteract its evils. An instruction issued about this time by the Suprema orders that no one be admitted to reconciliation without condemning him to confiscation and perpetual prison, if he has been a heretic, and those thus condemned must perform their penance most rigidly, not speaking with any one except on the days when they go to mass and hear sermons; on other days, both in going out and in eating, they must show themselves true penitents, holding no intercourse with wives and children.[2] This seems to have received scant obedience and, in 1506, the Suprema ordered that sanbenitos be placed on all prisoners, and that they must not leave their houses and then, in 1509, it prescribed that perpetual prisons must be provided. Apparently this was partially successful, for it was followed by instructions that all who had been or should be condemned must be placed in them, where they can ply their trades, or their kindred can supply them with food, or they may beg alms for their support. Thus, in 1510, Llerena selected two pairs of houses for the purpose, which Ferdinand ordered the governor of Leon to have appraised. Cuenca also seems to have obtained a prison, but an inadequate one, for in 1511 the Suprema authorized the tribunal to permit all the sick, and all who had been confined for two years, to betake themselves to their homes. Where such prisons existed the discipline must have been exceedingly lax for, in 1512, the Suprema issued a general provision empowering the tribunals to allow the destitute occupants of the perpetual prisons to go out by turns to beg in the cities, but they must wear their sanbenitos and return by nightfall, under penalty of relapse, and this was repeated in 1513. Then the further effort to provide prisons seems to have been abandoned for, in 1514, Ximenes issued an order permitting the reconciled to fulfil their penances in their own homes.[3]

This fluctuating policy and the extraordinary laxity which it

[1] Instrucciones de 1498, § 14 (Arguello, fol. 11). Cf. Archivo de Simancas, Inquisicion, Lib. 933.

[2] Archivo de Simancas, Inquisicion, Lib. 933.

[3] Ibidem, Lib. 939, fol. 96, 116, 114; Lib. 933; Lib. 3, fol. 57.

reveals were not due to any humanitarian impulses. It was simply a continuous effort to shirk the responsibility of maintaining those whose property had been confiscated, and who were required by the canons to be incarcerated for life. The Inquisition obtained the plunder, it inflicted on its victims disabilities, which increased enormously the difficulty of self-support, it rendered them odious to the population by making them wear the sanbenito, it was in duty bound to provide prisons where they could be immured and prevented from infecting the community, but it neglected this duty and virtually told them that they might beg or starve. That death by starvation, indeed, was not uncommon is asserted in the project of reform drawn up, in 1518, by order of Charles V.

Still the tribunals seem to have made some progress in providing themselves with penitential prisons for, in 1524, the Suprema deemed it worth while to order that they should be inspected monthly, and the results be recorded in a book to be kept for that purpose.[1] By no means all had done so however. Barcelona, which occupied the royal palace, had found room there, in 1489, for its penitents, and in 1544 we hear of Gerónimo de Quadras as alcaide, on a salary of fifty ducats, out of which he was to pay for a person to conduct the prisoners to mass and to bring them back. Valencia was less advanced, for it could have had no prison in 1540, when it sentenced three women to keep as a prison such place as should be designated to them, but in 1546 it secured the services of Gerónimo de Quadras as alcaide, at a salary of thirty ducats. In 1550, however, he complained that he had never received his pay and, in 1554, we find the perpetual prison of Brianda de Garcete commuted to confinement in her own house, or other designated place, which would indicate that the attempt to establish a prison had been abandoned.[2] In 1553, Logroño apparently had none, for it assigned, to Juan Prebost, Bilbao and two leagues around as a prison, with the sanbenito.[3] This need not surprise us for, if in some tribunals there was an attempt to provide a perpetual prison, it was exceptional. In 1537 the Suprema had formally declared that it would be a novelty to support the penitents at the cost of the fisc; this could not and ought not to be done; there was no objection to their performing

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 90.

[2] Ibidem, Sala 40, Lib. 4, fol. 137, 202, 218.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 382.

[3] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 217.

their penance in their own homes and the tribunals could arrange it accordingly. A few months later this was repeated; the reconciled could be sent to their houses to perform their penance, if they had no other means of support.[1]

At length the Instructions of 1561 endeavored to introduce some system in this scandalous state of things. The sentence of reconciliation condemned the penitent to prison and sanbenito for a specified term, during which he was to wear the *abito* publicly over his other garments; he was to be confined in the perpetual prison, going to mass and sermon on Sundays and feast days, and on Saturdays performing certain devotions at a designated shrine.[2] To enforce this discipline the Instructions stated that, as many tribunals had no perpetual prison, houses should be bought for the purpose as, without them there were no means of knowing whether the reconciled performed their penance. The alcaide should help them in their necessity by giving them materials to work at their trades and help to support themselves, and the inquisitors should visit the prison several times a year.[3] This seems to have been followed by an effort to induce the tribunals to provide prisons, for, in 1562, Toledo was taken to task for having none. It not only did not supply the deficiency but demurred to the suggestion that it should at least furnish a person to see that the penitents performed their penance, and it was told that for three or four thousand maravedís of extra pay the portero could attend to this.[4]

In 1570 the Suprema resumed the attempt to bring about this much needed reform. It told the tribunals that they could rent houses until they should be able to purchase, and they must appoint proper persons as alcaides to keep watch over the penitents.[5] The result of this pressure was gradual. In 1577 the Cistercian convent of Santa Fe, in Saragossa, made formal complaint to the pope of the number of penitents quartered upon it, and Cardinal Savelli, the head of the Roman Inquisition, interposed with the Suprema to relieve it of this oppression.[6] It was not until 1598 that the Mexican tribunal, nearly thirty years after its foundation,

[1] Archivo de Simancas, Inq., Lib. 939, fol. 116, 119.
[2] Pablo García, Orden de Processar, fol. 34.
[3] Instrucciones de 1561, §§ 79, 80 (Arguello, fol. 38).
[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 116.
[5] MSS. of Royal Library of Copenhagen, 213 fol., p. 111, 141.
[6] Bibl. nacional, MSS., D, 118, fol. 108, n. 38.

built a capacious prison adjoining its own structure.[1] In 1600, for the first time, there is an allusion in the Toledo record to a "carcel de la peniténcia" and, in 1609, Valencia was busy in erecting one at a cost of 5110 libras; it had been planned to have three floors, but was economically reduced to two.[2] Whether all the tribunals yielded to the pressure and established penitential prisons it would be impossible to say, but they probably did so, if only in some perfunctory fashion that justified the appointment of an alcaide. Simultaneously with this there came a change in the name, and the *carcel perpetua* was known as the *casa de la peniténcia* or *de la misericórdia*.

It does not follow that the establishment of prisons was attended with any increased strictness of discipline. The Inquisition persistently refused to accept the burden of supporting its prisoners and left them to shift for themselves. Where prisons existed there were few penitents in them, although condemnations to imprisonment were frequent and, in 1641, Philip IV conceived the idea of liberating them all. The Suprema sent his decree to the tribunals with orders to report whether they had any prisoners and what were their cases, to which Valencia replied that it had one, imprisoned for persistent sorcery, whereupon the Suprema ordered the sentence to be commuted and the prisoner to be discharged.[3]

The royal project fell through. All prisons were not as empty as that of Valencia and a discussion occurring, in 1654, at Granada, to which allusion has already been made, illustrates the character of the imprisonment rendered necessary by the refusal to support the prisoners. They gained their living chiefly by hawking goods around the city; this at length aroused the shopkeepers, and the corregidor represented to the tribunal that scandals were occasioned by their entering houses and committing indecencies; there was loss to the king for, as penitents, they were not subject to the *alcavala* and other imposts; thus favored they undersold the

[1] Obregon, México viejo, 1e Serie, p. 193.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—MSS. of Elkan N. Adler Esq.

Valencia already had a prison of some sort, of evil repute, as set forth by Fray Nicolas del Rio, in 1606, in a memorial to the Suprema. The prisoners are all Moors, who live there in the full enjoyment of their religion; all women there become debauched, so that they can no longer be placed in it.—Boronat, Los Moriscos españoles, II, 449.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 71, 78.

shopkeepers, who had lost half of their trade, while the penitents grew rich, for they came almost naked from the secret prison and, in a short time, they were well clothed and enriched. The tribunal admitted the force of this and, on December 24, 1654, issued an order that, for two weeks, they might cry their wares through the streets, but not enter houses, and subsequently be restricted to selling in shops. At this the prisoners complained bitterly of the deprivation of a privilege of long standing in all places where there was a tribunal, for without it they could not earn a living or support their wives and families. Thereupon the fiscal, Doctor Joseph Francisco Cresco de Escobar, seeing that both sides would appeal to the Suprema, printed for its enlightenment a memorial which reveals to us the character of penitential imprisonment. He states that, in accordance with the Instructions of 1488, the tribunals had provided penitential prisons, the one at Granada being of ample capacity for the observance of the Instructions of 1561. He quotes the canons and conciliar decrees to show that recanting heretics are to be immured for life, whence he argues that the prison should be afflictive and penal. Now, however, it is only nominal; the so-called prisoners go out at all hours of the day, without restriction, without a companion, without labor save what they voluntarily undertake, all of which is liberty and not captivity. They wander at will through the city and suburbs, they amuse themselves at the houses of their friends, they spend, if they choose, only part of the night in the prison, which serves them as a comfortable lodging-house, free of rent. The Instructions require that the alcaide shall see that they perform their penance, but this has become impossible, and there are no means of restricting their intercourse with the faithful. As for their plea that they leave the secret prison broken in health and stripped of their property, that they have no chance to learn trades and must support their families by trading, the answer is that only through the mercy of the Holy Office do they escape burning, and they should be thankful that their lives are spared; their poverty is a trifling penalty for their crimes, and their children only share the punishment of paternal heresy.[1]

With all this laxity, there was a pretence of maintaining the old rigor, which regarded prison-breaking as relapse, but the real offence lay in the fugitive throwing off the sanbenito. There seems

[1] Archivo de Simancas, Inquisicion de Granada, Expedientes varios, Leg. 2.

to have been little desire to recapture those who absented themselves, for the formula of the mandate to search for and arrest fugitives only concerns itself with those who escape from the secret prison and who thus are still on trial,[1] but when from any cause penitents were returned to the tribunal, their treatment is exemplified in the case of Juan González, who escaped from the *casa de la penitência* of Valladolid, July 3, 1645. His story was that, having gone out to collect some money due to him, he gambled it away, got drunk, went to sleep under the walls of the Carmelite convent in the suburbs and, on awaking next morning and fearing punishment, he wandered away, throwing off the sanbenito and seeking work. Thus he reached Irun and designed passing into France, but was recognized by a priest who had seen him in Valladolid; he was handed over to the commissioner and was passed from familiar to familiar till he was lodged in the secret prison of Valladolid. The fiscal claimed that his flight and throwing off the sanbenito proved him to be an impenitent and pertinacious relapsed into Judaism who must be relaxed; but his sentence was only two hundred lashes and irremissible prison.[2]

Sentences to imprisonment continued as usual, but growing indifference as to providing for their execution is indicated by a correspondence between Barcelona and the Suprema in 1718. At that time the tribunal had but four cases under trial; it still occupied the ancient royal palace but, after it had condemned for Judaism María Meneses to irremissible, and her daughter Catalina de Solis, to perpetual prison, it did not know what to do with them and applied for instructions. There was, it said, no penitential prison nor could it find that there ever had been one, neither was there an alcaide; it possessed no house that could be used for the purpose, and no official could be spared from his other duties. The Suprema replied by inquiring whether there was a prison for familiars in which a room could be used for the women, or whether some little house near the palace could be had and some official or familiar could serve as alcaide. The tribunal rejoined negativing the proposed use of the prison for familiars; it would see whether a house could be had, but there was no money for the purpose; as for the officials, they were all fully occupied and no one would take the position without salary. This

[1] Modo de Proceder, fol. 74 (Bibl. nacional, MSS., D, 122).
[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 33.

the Suprema met with a peremptory order to rent a little house and appoint an alcaide at the ordinary wages. Under this pressure some kind of provision must have been made for, in an auto of January 31, 1723, the tribunal condemned four Judaizers to irremissible prison.[1]

During the recrudescence of persecution at this period, the number of condemnations to imprisonment was large; in the Granada auto of December 21, 1720, there were twenty-seven and, in sixty-four autos between 1721 and 1727, there were seven hundred and forty.[2] How these numerous prisoners were accommodated it would be difficult to guess, for the neglect of the penitential prisons was progressive and, in the census of all the tribunals, about 1750, but three reported to have alcaides—Córdova, Granada and Murcia.[3] It does not follow that others had not prisons, but only that they had no prisoners and cared to have none. For instance, in 1794, when the Suprema inquired of Valencia whether its prison would suit for the priest Juan Fernández Sotelo, whose health required a change from the convent where he was recluded, the tribunal craftily replied that its prison was constructed with cells and dungeons and that, in the eyes of the people, confinement in it produced infamy, so that quarters for Sotelo had better be found in some convent in the suburbs. Apparently it forgot all this when, in 1802, it complained that the salaries of its secretaries had not been raised in 1795, while that of the alcaide of the penitential prison had been increased from a hundred and twenty to twenty-two hundred reales, although he had nothing to do, and enjoyed the use of a house in the prison as good as those of the inquisitors.[4]

In fact, by this time penitential imprisonment was virtually obsolete. After the subsidence of the active persecution of Judaism, the Toledo tribunal which, in 1738, pronounced twelve sentences of prison, did not utter another until 1756. Then a long interval occurs, of thirty-eight years, before the next one, which was for heretical propositions.[5] It would not, perhaps, be safe to say that, in the concluding years of the Inquisition, this form

[1] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 80.—Royal Library of Berlin, Qt. 9548.

[2] Bibl. nacional, MSS., Bb, 122.—Royal Library of Berlin, Qt. 9548.

[3] Archivo de Simancas, Inquisicion de Corte, Leg. 359, fol. 1.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 3, fol. 84, 260.

[5] Ibidem, Inquisicion de Toledo, Leg. 1.

of punishment was wholly unknown, but no cases of it have come under my observation.

There was the same reduction in the duration of imprisonment as in its severity, owing presumably to the same economical motive. As we have seen, the medieval Church recognized only lifelong imprisonment as the fitting penalty for the heretic who saved his forfeited life by recantation and, in recognition of this, the penitential prison in Spain was officially known as the perpetual prison, the sentences being always for perpetual imprisonment. At a very early period, however, it was clearly recognized that the literal enforcement of this was a physical impossibility. Bernaldez tells us that in Seville, up to 1488, there had been five thousand reconciled and condemned to perpetual imprisonment, but they were released after four or five years with sanbenitos and these were subsequently removed to prevent the spread of infamy throughout the land.[1] At Barcelona the tribunal had scarce been established, when we find it drawing a distinction in its sentences to perpetual imprisonment, some being *cum misericordia* and others *absque misericordia*—thus anticipating the so-called "irremissible" perpetual prison—and from the sentences it would appear that "without mercy" was exceptional.[2]

This inevitable laxity provoked opposition on the part of the more rigid authorities and, in 1509, while Ximenes was in Oran, there was a discussion on the subject in the Suprema, when we are told that his temporary representative, Rojas Archbishop of Granada, stood alone against the other members.[3] What was the nature of the decision is not recorded, but it probably favored the laxer view, for Ximenes and the Suprema, in 1516, deemed it necessary to order that all sentences to prison and sanbenito must be perpetual, in accordance with the canon law; if, in any case, the inquisitors thought there should be a remission it must be left to the discretion of the inquisitor-general.[4]

The tendency to shorten the term was irresistible; the conservatives had to yield and, by the middle of the sixteenth century, Simancas tells us that perpetual prison was customarily defined to

[1] Historia de los Reyes Católicos, cap. xliv.

[2] Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 14, 18–19, 33, 35, 62).—Manuel de novells Ardits, III, 69, 70.

[3] Bibl. nacional, MSS., G, 61, fol. 208.

[4] Archivo de Simancas. Inquisicion, Lib. 933.

be three years, if the penitent was repentant, while those condemned to irremissible prison were usually released after eight years.[1] So purely technical did the term "perpetual prison" become that inquisitors saw nothing incongruous in such sentences as "perpetual prison for one year" or "for six months," which are constantly met with, as well as "perpetual prison" followed by terms of exile. The real infliction was therefore much less severe than it appears on the records, and when periods longer than eight years were intended, they were specified, as when Salvador Razo, for Molinism, was sentenced, in the Granada auto of July 4, 1745, to ten years, of which the first five were to be spent in the galleys—a hardship remitted on account of his infirmities.[2]

The terms of imprisonment were frequently shortened, moreover, sometimes, from humane motives, but more often from financial considerations, for the dispensing power in this, as in the other penalties, was a source of profit. Thus Mayor García, a Morisca of Daimiel, condemned in the Toledo auto of September 21, 1550, to perpetual prison for six months, on January 13, 1551, petitioned the tribunal for release "as was customary with others," saying that her husband would pay what the inquisitors should demand. The matter was promptly arranged with Inquisitor Alonso Pérez for four ducats, to help to build the staging for an auto de fe—a somewhat heavy payment for two months' relief.[3] This dispensing power was the subject of a prolonged struggle between the tribunals and the Suprema. In the early period, at Barcelona, the former endeavored to secure it by the device of discretional sentences, which inquisitors could curtail or extend at will, and this was recognized in a letter of the Suprema, October 4, 1499, authorizing them, under such sentences, to dispense with the imprisonment but not with the sanbenito.[4] In 1513, however, Ximenes forbade this without his consent and the repetition of the order in 1514 and 1516 shows that it was difficult of enforcement.[5] In spite of this when the Valencia tribunal, February 25, 1540, condemned five Moriscos to "habit and prison for as long a time as we shall determine," the Suprema insisted that, when discre-

[1] Simancæ de Cath. Instt. Tit. xvi, n. 21, 22.
[2] Royal Library of Berlin, Qt. 9548.
[3] Proceso contra Mayor García, fol xx (MS. *penes me*).
[4] Archivo de Simancas, Inquisicion, Lib. 933.
[5] Ibidem, Lib. 939, fol. 115; Lib. 933.

tion was specified, it must alone be that of the inquisitor-general, a mandate that had to be repeated more than once, even as late as 1592.[1]

The question of this, as of all other commutations, was inevitably settled, as we have seen, in favor of the inquisitor-general. In many cases there was no concealment that it was purely an affair of bargain and sale, but it is pleasant to record that often it was prompted by humanity. Petitions for abridgement of the penance were numerous and were usually sent in at the time of the greater feasts, which are alleged as a reason for mercy, in addition to the misery of the penitent. As an example of these petitions may be mentioned the case of Violante Rodríguez who, with her husband Duarte Valentin, was arrested for Judaism March 15, 1664. After a three years' trial, she was sentenced at Granada, February 24, 1667, to two years' imprisonment, while her husband was similarly sentenced at Cuenca. About August 10th she petitioned for commutation, alleging that she had eight little children, deprived of both parents. The Suprema promptly sent to Granada for the details of the case, but the tribunal delayed until October 8th, when it accompanied its report with the suggestion that she should be released with spiritual penances after the expiration of the first year, as she had manifested true repentance. Growing impatient, on December 24th, she again petitioned the Suprema, alluding to her seven children, thus showing that one had meanwhile died. That she was duly discharged in February there can be no doubt, and there is no trace in the correspondence of any pecuniary consideration. Some of the petitions for release, in truth, were well calculated to inspire compassion, such as that of Simon Méndez Soto, in 1666, wherein he describes himself as 84 years old, blind, deaf, crippled on both sides with many infirmities and penniless, and he supplicates release that he may seek for cure.[2]

There would appear to have been no minimum age for imprisonment short of irresponsibility. The Toledo tribunal condemned for Judaism García son of Pedro the potter of Aguda, a boy eleven years of age, to perpetual prison. In the Cuenca auto of June 29, 1654, for the same offence, Escolástica Gómez, aged 12 and Isavel

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 382; Leg. 5, n. 1, fol. 352.

[2] Archivo de Simancas, Inquisicion, Leg. 1183, fol. 14, 30. See Appendix for a specimen of a letter of commutation.

Díaz Jorje, aged 14 had the same penalty and, in the Toledo auto of October 30, 1701, José de Leon, a boy of 16 was sentenced to irremissible prison.[1]

THE SANBENITO.

The sanbenito, or penitential garment, was the invariable accompaniment of reconciliation and prison, constituting together the "carcel y abito" of the sentences, although it was not exclusively reserved for such cases. It was not invented by the Spanish Inquisition, even though we can scarce agree with an enthusiastic writer, who traces its origin to the Fall, when God made the delinquents put on penitential habits of skins, corresponding with the *sacos benditos* now used in the tribunals.[2]

The penitential habit of sackcloth sprinkled with ashes, customary in the early Church, has passed into a proverb. That the penitents of the Inquisition should be required to wear such a garment was inevitable and, from the foundation of the institution, in the thirteenth century, they were distinguished from other penitents by two yellow crosses, one on the breast and the other on the back. From Eymerich we learn that in Aragon this garment was like the scapular worn by the religious Orders.[3] This *saco bendito* became known as the sanbenito or, more commonly, *abito* and was necessarily inherited by the new Inquisition. In 1486, at the Toledo auto of December 11th, two hundred penitents, reconciled under the Edict of Grace, were required to wear in public such a garment for a year, under penalty of relapse.[4] For those reconciled after trial, the infliction was more severe. In 1490, Torquemada ordered that they should wear during life a *sanbenitillo* of black or gray cloth, eighteen inches long and nine inches wide, like a small tabard, hanging on breast and back, with a red cross before and behind, occupying nearly the entire field. This was hung over the outer garment, and was a con-

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 262, n. 4; Ibidem, Leg. 1.—Bibl. nacional, MSS., S, 294, fol. 375.

[2] Trasmiera, Vida de Pedro Arbués, p. 44 (Madrid, 1664).

[3] Eymerici Director. P. III, n. 175. Notwithstanding this ancient use in Aragon, the inquisitors of Saragossa reported, in 1530, to the Suprema that it had never been the custom there for the reconciled to wear the sanbenito, to which the Suprema replied that it was the general practice of the Inquisition and that Aragon must conform to it.—Archivo de Simancas, Inquisicion, Lib. 76, fol. 312.

[4] Relacion de la Inquisicion Toledana (Boletin, XI, 303).

spicuous indication to all beholders of the shame of the wearer, rendering it a punishment regarded as exceedingly severe.[1] In 1514, Ximenes changed the cross to an *aspa de San Andrés*, a St. Andrew's or oblique cross, of which the bars traversed diagonally the breast and back.[2] Finally the Instructions of 1561 describe the *abito penitencial* as made of yellow linen or cloth, with two red *aspas*, although in some parts of Aragon there are particular customs as to colors which must be observed—referring probably to the use of green cloth in place of yellow, which seems to have been the case in Valencia and Sicily.[3] In some tribunals there was also in use, for those who abjured *de vehementi*, a sanbenito *de media aspa*, or half cross, consisting of a single diagonal band. Those who were to be relaxed appeared in the auto de fe in a black sanbenito, on which were painted flames and sometimes demons thrusting the heretic into hell.[4] Llorente tells us that abjuration *de levi* was performed in a *zamarra*, or yellow sanbenito without aspas, but I have met with no allusion to its use.[5] The distinction between the sanbenito *de dos aspas* and the one *de media aspa* was maintained, and the former was understood to indicate that the wearer had been guilty of formal heresy, that he and his children were subject to the consequent disabilities, and that he was liable to the stake in case of relapse. The latter was worn only during the auto de fe, after which it was laid aside.[6]

Although, in the early period, the sanbenito was imposed perpetually, the expression is to be taken in the same sense as imprisonment. As a rule, the two were coterminous and the sentences are almost invariably "habit and prison for two years," or perpetual or irremissible as the case may be. Where, indeed, the heresy was trivial or technical rather than real, or the conversion seemed genuine and spontaneous, the sanbenito was merely a symbol, to be worn only during the auto, or even for a briefer period, although it none the less left its ineffaceable stigma. There were gradations suited to every case, as is well illustrated in the Granada auto

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 117.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 256.

[3] Instrucciones de 1561, § 41 (Arguello, fol. 33–4).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 30, 31, 375, 382.

[4] Páramo, p. 42.

[5] Llorente, Añales, II, 39.

[6] Bibl. nacional, MSS., S, 294, fol. 375; Bb, 122.—MSS. of Royal Library of Copenhagen, 218b, p. 327.

of May 27, 1593, where, in three cases, it was removed after reading the sentence, in two, after returning to the Inquisition, in two, after twenty-four hours (one of these being the Licentiate Juan Fernández, who had Judaized for thirty-six years), in one case it was imposed for two years and in another for three, and Leonor Fernández had two years of sanbenito and four of prison. It was even put on the effigy of Doña Inez de Tórres, from which it was removed after reading the sentence, because she had confessed and died as a Catholic, with ample signs of contrition.[1] Thus the tribunal could vary the penalty at its discretion, and was not bound to the rule of coterminous *abito y carcel*. In the Toledo auto of March 15, 1722, two girls of 14, Manuela Díaz and María de Mendoza, were sentenced to six months of prison and two months of sanbenito, while in that of February 24, 1723, Manuel Ximenes had perpetual prison and one year of sanbenito.[2]

From the fact that, in the sentences, the penitents are told that they are not to go out of their prisons or their houses without the sanbenito, it is inferable that it was not worn within doors. Discarding it, as we have seen, was a grave offence, punishable as non-fulfilment of penance and, in the Edicts of Faith, the denunciation of this, as of other infractions, was required. There was one occasion, however, in which this was done on a large scale with impunity, for in the Palermo rising of 1516 against the Inquisition, there was a universal throwing off of sanbenitos. When order was restored and the tribunal was re-established, there was a fruitless effort made to reimpose them. In 1522 the Suprema wrote to Inquisitors Calvete and Cervera calling attention to this as a great disservice to God and a heavy charge on the souls of the penitents, who must be compelled to resume them, and all secular and ecclesiastical authorities were commanded to assist. Then again, in 1525, Inquisitor-general Manrique insisted on the resumption of the sanbenitos, but at the same time he cautioned the inquisitors not to cause scandal or trouble, and we may assume that the attempt was practically abandoned.[3]

Cruel as was the imposition of the sanbenito, it was a punishment inherited from the elder Inquisition, but Spanish ingenuity invented a still more cruel use of it to stimulate the detestation of

[1] Bibl. nacional, MSS., G, 50, fol. 248–9.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[3] Archivo de Simancas, Inquisición, Lib. 936; Lib. 73, fol. 315.

heresy. This was the preservation of the sanbenitos, with suitable inscriptions, conspicuously displayed in the churches, thus perpetuating to future generations the memory of the crime and punishment of the delinquent. The origin of this may perhaps be traceable to the ceremonies observed in the early period, when penitents were relieved of the *abito*. As described, in 1490, at Barcelona, they were assembled in the Inquisition and preached to by the inquisitor. A fortnight later they gathered in the parish church of Santa María del Pino and heard mass; then they marched in procession to the chapel of Our Lady of Monserrat, again heard mass, offered twelve dineros apiece to the Virgin, and passed the night, after which their sanbenitos were taken off and hung in a prominent place near the door.[1] Of course, in the case of those who were burnt, the sanbenito was hung up at once, and this remained the rule, as we learn from the Instructions of 1561—the sanbenito of the reconciled was hung when it was removed, whether during the auto or after years of prison; that of the relaxed, immediately after the auto.[2]

The custom must have been of gradual growth. There is no allusion to it in the *Instrucciones antiquas*, nor have I found any indication as to the time when it became imperative except that, in 1512, there is a decision of the Suprema expressing the will of the king and the cardinal that the sanbenitos of the relaxed and reconciled of the Campo de Calatrava shall be hung in the churches, except those of the reconciled in the Time of Grace, and that, if any of the latter have been hung, they are to be removed.[3] This indicates a custom favored by the authorities, spreading, but as yet subject to question. It had already passed to Sicily, where one of the incidents of the rising of 1516 was the tearing down of the sanbenitos in the churches, and so great was the popular detestation of it that, at the end of the century, it had not been possible to restore the practice.[4]

It mattered little to the descendants that the sanbenitos of the victims in the early years had escaped this publicity. The perversity which inspired it developed into such malignity that, in 1532, the Suprema ordered the tribunals to make from their records lists of all burnt or reconciled, even under Edicts of Grace, and

[1] Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 50–1).
[2] Instrucciones de 1561, § 81 (Arguello, fol. 38).
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 117.
[4] Páramo, pp. 42–3, 203.

to suspend in the churches whatever sanbenitos were found to be lacking. The inexcusable cruelty of including the voluntary reconciliados under Edicts of Grace caused this portion of the order to be revoked in 1538, but, in 1539, this was declared inapplicable to those which had already been hung—if they had been removed, they must be replaced. The question was revived, in 1552, and opinions were divided, but the decision to retain them prevailed. Meanwhile, in 1548, the Suprema stimulated the tribunals to fill all vacancies, whether arising from omissions or the surreptitious removal of old ones, and it ordered the hanging of new ones as soon as the autos were held, in order to anticipate the complaints and importunities of the sufferers and their kindred. Then, as though the tribunals were slack in their duty, in 1555 the order of 1532 was revived and repeated.[1] The wilful viciousness of this is indicated by the Instructions of 1561, which point out that, as those reconciled in Time of Grace are exempt from wearing the sanbenito, so their sanbenitos ought not to be suspended in the churches.[2]

The object was the cruel one of perpetuating the infamy of the victim and rendering it as galling as possible to his kindred and descendants. As the sanbenitos wore out or became illegible with time, they were replaced, and finally superseded by yellow linen cloths, bearing full details of the name, lineage, crime and punishment of the culprit.[3] Originally they were hung in the cathedral of the city of the Inquisition, but this did not bring the disgrace sufficiently close to the descendants and, in some places at least, they were ordered to be transferred to the parish churches of the delinquents, whose infamy was thus kept alive in the memory of their neighbors. A single instance will illustrate the spirit actuating this. In 1519 the Suprema ordered this transfer made by the tribunal of Cuenca, but the command was slackly obeyed and was repeated in 1529. Then the descendants of Lope de Leon and Alvar Hernández de Leon, residents of Belmonte, petitioned the Suprema, saying that the wives of Lope and Alvar had been reconciled; they were natives of Quintanar, where they had committed their heresy, and the descendants now begged that the sanbenitos be hung in the church of Quintanar and not of Belmonte. To this the Suprema replied, April 15, 1529, by

[1] Archivo de Simancas, Inquisicion, Lib. 942, fol. 15, 20; Lib. 939, fol. 117.
[2] Instrucciones de 1561, § 81 (Arguello, fol. 38).
[3] Páramo, pp. 42–3.—Llorente, Añales, II, 41.—Bibl. nacional, MSS., S, 121.

instructing the tribunal to hang the sanbenitos in the residence of the descendants, in a place so public that the reconciliation of the women should be notorious to all. It is true that the descendants secured delay until the pressing orders came of 1548, when, on November 9th the sanbenitos of the women were hung in the church of Belmonte.[1]

This policy of distribution cannot have been universal for, when the Toledo cathedral desired to be relieved of the great accumulation of sanbenitos, the Suprema forbade it, adding that if it was desired to have them in the parish churches it must be done with new ones, leaving the originals in the cathedral. At length, in 1538, the inquisitors Yáñez and Loaysa distributed them among the parish churches, when Sebastian de Orozco tells us that it caused infinite misery to the descendants, leading them all or nearly all to change their family names, so that in Toledo the names actually borne by the Conversos disappeared.[2]

Change of name was not the only device resorted to by the descendants, for they were constantly at work removing surreptitiously the evidence of their infamy. As early as 1518, the Saragossa tribunal was ordered to prosecute with rigor those who had abstracted them from the Dominican church.[3] Their zeal was stimulated by the fact that the inquisitors, in making up the records, included all who had been reconciled under Edicts of Grace, thus affording legitimate ground of complaint, as shown by a long-continued struggle at Frejenal. In 1556, Doctor Ramírez, Inquisitor of Llerena, protested to the Suprema against the efforts of the people of Frejenal for the removal of the names of those reconciled in Time of Grace; it would leave but few for, in 1491, there had been three hundred and fifty-seven reconciliations there, of which three hundred and fifty-four had been under the Edict. To render ancestral infamy more accessible to the public, besides the sanbenitos, the names and details were inscribed on a tablet of parchment. This became torn and nearly illegible and, on August 23, 1563, it was solemnly replaced by another, written in large letters, with printer's ink, and varnished to insure its preservation. The secret warfare waged against this perpetuation of infamy is described, in 1572, in a deposition of the

[1] Proceso contra Fray Luis de Leon (Col. de Doc. ined., x, 165–8).

[2] Archivo de Simancas, Inquisicion, Lib. 72, fol. 30; Lib. 939, fol. 117.—Boletin, XI, 309.

[3] Boletin, XV, 340.

familiar Rodrigo Carvajo. The people of the town, he said, were mostly descendants of Conversos, resorting to perjury and every other means to conceal their origin. The sacristans were generally Conversos, who connived at the methods employed to destroy the evidence, and the sanbenitos were stolen; there used to be five hundred and ninety-nine, and now there were only ten or a dozen, worn and torn and so placed that they could not be read, while the tablet with the names was gradually being defaced and rendered illegible. Thus it continued until 1576, when Inquisitor Montoyo brought to Frejenal a new set of sanbenitos prepared from the records, which were duly suspended, and a tablet containing names and details was placed where all could read it. This list shows the obstinate persistence with which the names of the spontaneously reconciled were retained. It contained a hundred and sixty-two relaxed and four hundred and nine reconciled, all, with very few exceptions, in the years from 1491 to 1495. There were none between 1499 and 1511, and none later than 1511.[1] Struggles similar to this were doubtless on foot in numerous other places.

The churches themselves do not seem to have looked with favor on this desecration of their sacred precincts. At Cuenca, there was apparently an attempt to hide the sanbenitos of which the tribunal complained in 1571, when the Suprema ordered it to see that nothing was put before them, even on feast-days.[2] The parish church of San Salvador, at Cifuentes, went further and, in 1561, appealed to Pius IV, explaining to him the Spanish custom, and representing that not only was the attractiveness of the church marred by the prominence assigned to the sanbenitos, but that they led to many scandals, all of which would be prevented if they were removed to some less prominent place or laid away altogether, but that licence from the Holy See was requisite for this. The pope gave the required licence, subject to the assent of the Inquisition to the removal, which of course rendered it inoperative.[3] The cathedral of Granada was more fortunate for when, in 1610, Inquisitor-general Sandoval consecrated as archbishop Pedro González de Mendoza, the latter asked him, as a special favor to his bride, that she should be relieved of the sanbenitos. Sandoval assented and the permission came soon after

[1] Archivo de Alcalá, Hacienda, n. 18.
[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 117.
[3] Bulario de la Orden de Santiago, Lib. III, fol. 86.

Mendoza had reached Granada. It was celebrated with great rejoicings and ringing of bells; the sanbenitos of the Moriscos were transferred to the church of San Salvador, in the Albaycin, while those of the Judaizers were hung in the church of Santiago, which was the parish church of the Inquisition.[1] Even when there was not this open antagonism, there was apt to be neglect which was practically more damaging. In 1642, the Valencia tribunal learned that some of those in the cathedral had fallen and were allowed to lie. It made an investigation and, from the report, it would seem as though every available spot was thus decorated and that all required attention for their preservation. The sacristans promised to do what was necessary, but apparently they had been quite willing to see them disappear.[2]

Conscious of this ecclesiastical indifference and of the constant effort of those interested to make way with the visible records of their infamy, the Suprema was incessantly active to counteract the results. The Instructions of 1561 insist imperatively on the duty of hanging the new sanbenitos and renewing the old, so that the memory of the infamy of heretics shall be preserved forever, and inquisitors on their visitations are commanded to see that the parish churches are kept with unbroken lines of the *mantetas y insinias* of their culprit parishioners.[3] Philip II was no less urgent. In his instructions of 1595 to Manrique de Lara, he calls special attention to the subject; there are sanbenitos now to be hung and others which have never been hung, apparently through favoritism, for which the inquisitors deserve rigorous punishment, for this is the severest penalty which the Holy Office can inflict on heretics and their descendants, and Manrique is to see that all deficiencies are made good.[4]

In fact, the most pressing business of the inquisitor in visiting his district was to attend to this. In 1569 the Suprema ordered every one, before starting, to have full lists made out of the relaxed and reconciled of the region to be traversed and, in each place, these lists were to be compared with the existing sanbenitos and all that had disappeared were to be replaced. In 1600 and 1607 these instructions were repeated with still greater urgency, as a matter not to be neglected for a single day, in view of the evils

[1] Pedraza, Hist. eccles. de Granada, Lib. IV, cap. 37.
[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, fol. 89.
[3] Instrucciones de 1561, § 81 (Arguello, fol. 38).
[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 272.

that would follow.[1] That nothing was to be allowed to interfere with this pious duty is seen when Valencia had no money wherewith to defray the expense of renewals and was told to borrow it from the *Depositario de los pretendientes*—the sacred deposits of those seeking to prove their limpieza, which were thus used to preserve the muniments that might destroy their hopes.[2]

How, in fact, the sanbenitos were employed for this purpose is indicated in a perquisition conducted at Tortosa, in 1577, by the inquisitor, Juan de Zúñiga. The sanbenitos were carefully examined and lists were made out, classified firstly into those of which the trials could be identified and those of which no trace could be found in the records, and secondly into the penalties inflicted. Then two of the oldest residents—a notary and a priest—were summoned; the lists were gone over with them and their evidence was taken as to the descendants of the culprits, especially whether any had changed their names so as to elude disabilities. Thus a close watch was kept on them and every care was taken that the infamy of their ancestors should be lasting.[3]

As the seventeenth century wore on, it would seem that the zeal of the tribunals in the matter of sanbenitos was flagging. A general carta acordada of February 27, 1657, assumes this, in calling their attention to the Instructions of 1561 and to subsequent orders of similar import. As many autos de fe had recently been held, and as it was understood that, in some places, the sanbenitos had not been hung in the churches, the tribunals were commanded forthwith to make out lists of the relaxed and the reconciled, and to have corresponding sanbenitos suspended in the churches, as well as to renew the old ones which were worn out. In view of the importance of this to the service of God, a full report in detail was imperatively required to be furnished within four months. This may have excited the tribunals to spasmodic activity but, if so, its influence was but temporary for, in 1691, we find the Suprema ordering reports as to the length of time that had elapsed since sanbenitos had ceased to be hung in the churches; lists of deficiencies were called for; the old sanbenitos were to be examined and statements were to be rendered

[1] Archivo de Simancas Inq., Lib. 939, fol. 144; Lib. 942, fol. 20.
[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 11, n. 1, fol. 65.
[3] Ibidem, Leg. 98.

as to what were lacking and what had become illegible, so that the Suprema might take requisite action.[1]

This looks as if the custom had been falling into desuetude, but it was by no means abandoned and, as late as August 26, 1753, when a deceased delinquent named Horstmann was burnt in effigy at Valencia, two sanbenitos were ordered to be suspended, one in the cathedral and one in the parish church of San Lorenzo.[2] Still the same tribunal furnishes, in 1783, a refreshing evidence of the decline of intolerant zeal in the gradual diffusion of enlightenment. The cathedral had been undergoing restoration, during which the sanbenitos had been carefully stored in a room of the Inquisition. On the completion of the work, the tribunal suggested to Inquisitor-general Beltran that it would not redound to the service of God or of the public to hang them up again, to which Beltran assented; if the chapter did not ask for them, the tribunal was not to raise the question, or to do any thing in the matter and, from an endorsement on the letter, it is to be inferred that the sanbenitos were allowed to repose undisturbed.[3]

It is not to be supposed that, when the Córtes of Cadiz, February 22, 1813, abolished the Inquisition, it was satisfied to permit the continued existence of the sanbenitos which perpetuated so many dreadful memories. A decree of the same day recited that Article 305 of the Constitution provided that no punishment should extend beyond the criminal to his family; that the means by which, in public places, the memory of penalties inflicted by the Inquisition was preserved, brought infamy on families, and even exposed to evil repute persons of the same name. Therefore all portraits, pictures, or inscriptions, recording the punishments imposed by the Inquisition, existing in churches, cloisters, convents and other places, were to be removed or blotted out within three days after receipt of the decree.[4]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 41, 117.

[2] Ibidem, Leg. 30, fol. 40. [3] Ibidem, Leg. 16, n. 5, fol. 54.

[4] Coleccion de los Decretos de las Córtes generales etc., II, 219 (Madrid, 1820).

The allusion in this to *cuadros* and *pinturas* refers to a custom, not officially recognized, by which exuberant pietistic malignity supplemented the sanbenitos with portraits and pictures bearing the names of the sufferers. For a florid description of this see "Voyage en Espagne par M. le Marquis de Langle," II, 78 (Londres, 1786).

This somewhat notorious work was burnt by order of the Parlement in 1788. Its author was Jérome-Charlemagne Fleuriau and it ran through six editions between 1785 and 1803.

The condition of Spain was not such as to insure any wide obedience of this decree, although it is scarce likely that the French armies had left many sanbenitos hanging in towns occupied by them during the war. What occurred elsewhere may probably be guessed by the example of Majorca, when the Constitution of Cadiz was enthusiastically received and the sanbenitos were removed from the church of San Domingo, but they were providently stored away and were again hung up after the Restoration in 1814. In the Revolution of 1820, however, they were torn down and burnt and the Inquisition was levelled to the ground.[1]

The custom of suspending in the churches the *habitelli* or sanbenitos of the reconciled and relaxed seems to have been borrowed by Italy from Spain, at least in some places. It is to the credit of the Roman Inquisition that it disapproved this barbarous practice, as appears from a decree of 1627 ordering them to be removed from the cathedral of Faenza and to be secretly burnt.[2]

DISABILITIES.

Disabilities have already been considered in their relation to the finances of the Inquisition, arising from the sale of dispensations, but they formed too important a portion of the penal system not to require further treatment in this connection. They differed however from other punishments in that, although specified in the sentences, they were the inseparable consequences of condemnation for heresy and thus, in some sense, self-operative, for the severity of the laws for the suppression of misbelief was not content with confiscating the property of those whose lives were spared. The reconciled heretic was not only turned adrift penniless, but was subjected to restrictions incapacitating him from earning a livelihood. As this refinement of cruelty could not be applied to those who were burnt, it was visited on their descendants.

This latter provision was derived from the imperial legislation against treason, which disabled children of traitors from holding office and succeeding to collateral estates.[3] Frederic II, in his Ravenna decree of 1232, made this applicable to the children and grandchildren of heretics, which was eagerly incorporated

[1] Taronji, Estado religioso etc. de Mallorca, p. 257.

[2] Collectio Decretor. S. Congr. Sti Officii p. 205 (MS. *penes me*).

[3] Const. 5, Cod. x, viii.

into the legislation of Alexander IV and Honorius IV, although Boniface VIII mitigated it slightly by exempting grandchildren in the female line.[1] As part of the canon law this of course governed the Spanish Inquisition and, if there were those who questioned the justice of punishing orthodox children for their parents' heresy, they were triumphantly silenced by Alfonso de Castro, who pointed to Original Sin as an irrefragable proof that this was in accordance with the law of God.[2]

The application of these restrictions to reconciled penitents apparently originated with the Council of Béziers, in 1246, which ordered that penitents should not hold public office, or serve as physicians or notaries, or wear silk garments or gold and silver ornaments or other vanities—in short, that their apparel should befit those whose lives constructively were to be passed in repentance.[3] These provisions were not carried into the canon law but apparently became traditional in the Holy Office.

In the Instructions of 1484 there is nothing said as to the disabilities of descendants, but inquisitors were instructed to order penitents, after completing their penance, never to hold public office or benefices or to serve as procurators, tax-collectors, farmers of the revenue, grocers, apothecaries, physicians, surgeons, bleeders or brokers, thus prohibiting the professions which they had specially made their own. Moreover, they were not to wear gold or silver, coral, pearls or other precious stones or garments of silk or camlet or other finery or to ride on horse-back or bear arms, and all this during life, under penalty of relapse.[4]

There was evidently doubt as to the application of these restrictions to the descendants of those relaxed, but that there was an effort made in that direction is shown by their procuring, in 1486, from Innocent VIII, a brief enabling them to farm the revenues of churches.[5] In the assembly of inquisitors, in 1488, the matter excited considerable debate, resulting in instructions that each tribunal in its own district should enforce, under heavy penalties, the disability of children and grandchildren to hold any office or

[1] Huillard-Bréholles, Hist. Diplom. Frid. II, T. IV, p. 302.—Cap. 2, § 2 and Cap. 5, in Sexto, v, iii.—Cap. 5 Septimi Decret. v, iii.

[2] Alph. de Castro de justa Hæret. Punit. Lib. II, cap. 10, 11.

[3] Concil. Biterrens. ann. 1246, Concil. de Modo procedendi cap. 28 (Harduin. VII, 420).

[4] Instrucciones de 1484, § 6 (Arguello, fol. 4).—Archivo de Simancas, Inquisicion, Lib. 933.

[5] Llorente, Añales, I, 113.

dignity that could be considered public, and the list of prohibited callings was enlarged by including those of merchants, notaries, scriveners, advocates, farmers of revenues and some others. The sumptuary restrictions were not extended to them, for they were not penitents, but they were forbidden to wear the insignia of any dignity, secular or ecclesiastic.[1] The omission was made good in a decree issued by Torquemada, April 22, 1494, but it was so slackly obeyed that when, in 1502, the sovereigns ordered its enforcement, they allowed a certain time for those affected to become acquainted with its provisions.[2] Ferdinand himself had had occasion to recognize the hardship of the rule for, in 1500, the mother of Pero Rúiz, a member of his royal guard, was condemned and consequently he was incapacitated from riding and bearing arms. Unwilling to lose him, Ferdinand wrote to Torquemada for letters of dispensation to be brought back by the messenger.[3]

We have seen how, in the struggle over the profits of dispensation, the sovereigns abandoned to the Inquisition the *cosas arbitrarias*, or sumptuary restrictions, and assumed to themselves, by the pragmáticas of 1501, control over the disability to hold office and to follow certain professions and trades, which limited so greatly the ability of the reconciled and of the children and grandchildren of the condemned to support themselves.[4] A humane exception was made however, in 1502, under which children reconciled below the age of 14 were exempted from the operation of the pragmáticas.[5] As these were municipal laws they were subject to the secular officials, who were ordered to enforce them under pain of confiscation and loss of office for negligence.

It was easier to publish edicts than to get them executed. The civil magistrates seem to have paid little attention to the pragmáticas, while the Inquisition did what it could within its allotted sphere. The Suprema issued orders to the tribunals to punish with all rigor those who disregarded the sumptuary restrictions, who were said to be numerous, in great contempt of the Holy Office. It was probably to stimulate zeal that, in 1509, it modi-

[1] Instrucciones de 1488, § 11 (Arguello, fol. 10).

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 115.

[3] Ibidem, Lib. 1.

[4] Ibidem, Lib. 933, p. 143. As printed in the Nueva Recop. Lib. VIII, Tit. iii, leyes 3, 4, there are some clauses omitted.

[5] Ibidem, Lib. 939, fol. 108, 115.

fied the penalty of relapse to a pecuniary penance, which it authorized the inquisitors to impose at discretion, bearing in mind the gravity of the case and the wealth of the offender.[1] The sums thus realized were considerable enough to tempt the cupidity of the courtiers for, May 9, 1514, we find the king making over to four of his ushers the penalties levied on the sons of Alonso Gallo of Toledo, and on April 1st he ordered Vázquez de Busto, alguazil of Toledo, to collect all the penances of this kind, to pay one-half to the receiver for the tribunal, and divide the other half between the fiscal, Martin Ximenes, and a servant of secretary Calcena.[2] The punishments decreed in the pragmáticas were also modified to fines, as we learn from a letter of June 20, 1515, dividing those incurred in Seville between Calcena and Aguirre, after setting aside one-third for the tribunal, and from another letter of January 8, 1516, bestowing on Fernando de Hoyos, portero of the Cuenca tribunal, the penalties incurred by the wives of Pedro de Vaguera and of Quiros and Jayme Boticario, for exercising the profession of apothecary.[3]

At length it was recognized that the Inquisition was the only instrumentality to be depended upon for the enforcement of the pragmáticas and Charles V, in a cédula of March 30, 1528, placed the whole business in its hands. He recited the laws of Ferdinand and Isabella, with their severe penalties for negligent officials, in spite of which he was informed that, in many places, they were disregarded, wherefore he granted to the Inquisition all necessary powers and ordered it to see to the execution of the law. Possibly there may have been some opposition by the secular authorities to this invasion of their jurisdiction, which called for a repetition of the cédula, March 2, 1543. In pursuance of this the Suprema, in cartas acordadas of 1548, 1549 and 1566, called the attention of the tribunals to the number of persons engaged in prohibited callings or wearing forbidden articles, and it urged them to be active in detecting and punishing the offenders.[4]

The construction of the laws was rigorous. There was a nice question whether, when a parent was condemned *in absentia* as contumacious, the children were subject to the disabilities, for

[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Ibidem, Lib. 3, fol. 374, 380.

[3] Ibidem, fol. 419, 445.

[4] Archivo de Simancas, Inquisicion, Lib. 927, fol. 676; Lib. 79, fol. 18; Lib. 939, fol. 108.

the heresy was presumptive and not proven. Farinacci held that they were not, for the absentee, even though burnt in effigy, could always return and prove his innocence. Peña represents the stricter Spanish view, that the fugitive was condemned as a heretic and his children were incapacitated. The matter was threshed out in the case of the son of Antonio Pérez, who was deprived of a pension on the church of Cuenca. This was the final decision of the Rota after full argument; it served as a precedent, and the sentence of the absent contained the same enumeration of disabilities as that of one who was burnt in person.[1] Some doubts arose as to whether the pragmáticas prohibited trade in general; all such points were reserved to the king and when, in 1566, it was proposed to prosecute some merchants, the Suprema ordered the cases to be suspended until he should be consulted. It was less cautious when, in 1542, it forbade all reconciled penitents to keep schools, or even to teach children their letters. A question arose whether the prohibition to ride on horseback comprehended mules, but Simancas decides it in the affirmative, and even desires to include vehicles, as it is fitting that all such persons should walk on foot.[2] Even the limits of the canon law were disregarded in the panic occasioned by the discovery of Protestantism in 1559, for in the Seville auto of September 24th, when Juan Ponce de Leon was burnt, the disabilities of his descendants in the male line were extended to the fourth generation.[3]

An ecclesiastical career was closed to penitents and their descendants, who were forbidden to enter holy orders. There was some question raised whether those who were in orders could obtain or retain benefices, but it was decided in the negative. The practice, as stated about 1640, was that on their visitation the inquisitors dealt summarily with cases concerning the *cosas arbitrarias* while those which involved the holding of benefices or public office were sent to the tribunal for trial.[4] In the Edicts of Faith which they published, denunciations were invited, and all persons were required to give information as to any infractions of the laws of which they were cognizant.[5]

[1] Farinacci de Hæresi, Q. 191, n. 56, 68.—Pegnæ Comment. 164 in Eymerici Director. P. III.—Bibl. nacional, MSS. V, 377.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 109, 115.—Simancæ de Cath. Instt. Tit. XLVII, n. 25, 26.

[3] Archivo de Simancas, Hacienda, Leg. 25, fol. 1.

[4] Bibl. nacional, MSS, V, 377, cap. 26.

[5] Ibidem, D, 118, p. 148.

As everyone who had the misfortune to fall into the hands of the Inquisition was a marked man thereafter, and was liable to the suspicion that he had incurred disabilities—a suspicion apt to grow stronger with time and to affect his descendants—it became important for those who were not thus affected to have some evidence of the fact. In the earlier time the Inquisition was chary about affording this relief, but did not absolutely refuse it when the sufferer applied to the Suprema. It was not everyone however who could obtain the intervention of the Suprema; popular prejudice was strong, and no one knew what took place within the precincts of the tribunals. Blighted careers were thus numerous. Escobar, in his work on Limpieza, tells us that, at the origin of the Inquisition it punished the lightest offences with extreme severity and this, after the lapse of a century and a half, was still disastrously affecting the descendants; it was inhuman that a word inadvertently spoken through levity, or anger, or in jest should bring infamy on the delinquent and his posterity without limitation of time.[1] The memorial of 1623, by a member of the Suprema, discusses the same evil. The writer says that the Inquisition is surrounded by enemies who are daily multiplied through those afflicted by the tribunals. It is not merely those who are relaxed or reconciled or compelled to abjure *de vehementi*, but there are many well-affected Old Christians, punished with lighter penalties who, if they remain defamed and their posterity disabled from honors, must necessarily add to the number of enemies and it is pitiable thus to afflict them for trivial causes.[2]

The tribunals did not cease to afflict the people, but some relief was afforded by a practice, which gradually came into use, of including, in a sentence for light offences or of acquittal, a clause declaring that the party and his descendants were not subject to disabilities and that he could have a certificate to that effect. Two examples of this, occurring in Valladolid in 1638 will suffice. In the case of Agustin López, tried for blasphemy, the consulta de fe could not agree and the Suprema sentenced him to reprimand and exile, adding that the sentence should be no bar to offices of honor or in the Inquisition. So a sentence, acquitting Miguel Rúiz of a charge of sorcery, says that his imprisonment shall not be an obstacle to him and his children, and that he shall

[1] Escobar á Carro de Puritate, P. II, Q. iv, § 3, n. 48.

[2] Archivo de Simancas, Inq., Lib. 926, fol. 24.

have a certificate to that effect. That Rúiz had not even been confined in the secret prison but in the public gaol shows how sensitive was the popular mind.[1] These certificates *de no obstancia*, as they were called, would appear, as a rule, not to be issued unless specially applied for, and yet how important they were to the individual and his posterity is manifested by a petition presented, January 17, 1818, by the Licenciate Mariano de Santander y Alvárez setting forth that, twenty years before, in 1798, his father had been arrested and prosecuted by the Valladolid tribunal because, in his trade as a bookseller, he had sold prohibited books. In the final sentence it was declared that his imprisonment and prosecution did not prejudice him or his descendants in the enjoyment of their civil rights, but the secrecy of the Inquisition, and the loss of the certificate given to the father, prevented the petitioner from furnishing the proofs necessary to his admission as an advocate in the royal chancellery, wherefore he begged for a proper testimonial. The Suprema had the statement verified and ordered a certificate to be duly issued.[2]

From this, as well as from the memorial of 1623, it appears that not merely reconciliation but even abjuration or lesser penalties inflicted disabilities, if not as to the *cosas arbitrarias* at least as to the attainment of an honorable career. In the closing years of the Inquisition this sometimes led to a merciful moderation of the sentence, as in that pronounced, August 27, 1817, on Francisco Mosquera Villamarino, of Santiago, "Bachiller clasico y Profesor del 6° Cuerpo de Canones en su Real Universidad," for certain propositions. He escaped with a reprimand in the audience-chamber and without abjuration, it being expressly stated that he was treated with this benignity in order not to prejudice him in his career, though he was warned that the Inquisition would keep a watch on him.[3]

Popular prejudice, as we have seen, intensified the cruelty of the cruel laws. How inveterate was this is manifested in the case of Josef Calot who, in 1791, sought in marriage the daughter of Pablo Bordo, a merchant of Valencia. The parents refused assent and the lovers eloped. Bordo brought the matter before the royal Audiencia, showing that Calot was the great-grandson of Clara Muñoz who, at the age of 19, was reconciled for Judaism in the

[1] Archivo de Simancas, Inq., Leg. 552, fol. 23.
[2] Ibidem, Registro de Genealogias, n. 916, fol. 61. (See Appendix.)
[3] Ibidem, Inq., Lib. 890.

Barcelona auto de fe of April 2, 1724, and was sentenced to irremissible "carcel y abito," though after two years her husband, Antonio Antonelli, obtained her release. In view of this descent the Audiencia decided that Bordo's opposition to the marriage was reasonable and just, thus inflicting an indelible stigma on Calot and his posterity. In some way the affair reached the Suprema, which wrote to Valencia for details and, in transmitting them, the inquisitors added an expression of sympathy for Calot in the dishonor cast upon him; the punishment of his great-grandmother did not disable him from the professions, but it would be difficult to restore him to his good fame without calling in question the justice of the sentence of the Audiencia.[1] Even the Inquisition did not venture to repair an injustice caused by its assiduous training of the population in an unreasoning abhorrence of heresy.

The penalty for disregarding the disabilities settled down to the thrifty one of a fine. As regards those imposed by the pragmáticas, the Suprema, in 1531, replied to an inquiry from the tribunal of Avila and Segovia that, although the laws prescribed confiscation for infractions, yet the practice was to penance culprits in accordance with their wealth and station and the degree of the offence. So, in respect to the *cosas arbitrarias*, it decreed in 1536, that although the Instructions of 1484 provided the pain of relapse, they did not require the inquisitors to condemn the infraction as such, and the practice was to impose pecuniary and spiritual penances.[2] Cases of prosecution for infraction are not very numerous in the records, chiefly owing, we may presume, to the customary sale of rehabilitations; in the tribunal of Toledo they amount only to ninety-one and of these it is noteworthy that there are only three posterior to 1586—two in 1600 and one in 1616.[3] When they occurred, the penalty was at the discretion of the tribunal, and Toledo exercised this with great moderation, in 1579, when Bernardino de Aldana, a ribbon-weaver, spontaneously denounced himself. His mother, Isabel Alvárez, had been burnt by the Cuenca tribunal, yet he had worn a velvet cap, had carried a sword and had ridden on a mule with a saddle;

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 27.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 109.

[3] Catálogo de las causas seguidas ante el tribunal de Toledo, pp. 131–40 (Madrid, 1903)

he was married and had done this to satisfy his wife and her kindred, and besides his brother had told him that they had been rehabilitated. His artless story seems to have moved his judges, for he escaped with a reprimand and a fine of two ducats.[1] In 1703 the tribunal of Madrid was more severe with Simon de Andrade, a reconciled penitent, who had worn the prohibited articles. He was harshly reprimanded, was fined in fifty ducats, was banished for a year and was required to surrender the *cosas arbitrarias*, but we are told that he was permitted to keep the garments which he had on to cover his nakedness, especially as they were of ordinary cloth.[2]

CLERICAL OFFENDERS.

In a land where theocratic influence was so strong, it was inevitable that there should be especial favor shown to erring ecclesiastics. The Church has ever sought to conceal from the public the knowledge of weaknesses that might diminish veneration for its ministers, and scandal has been more dreaded than sin. The Inquisition established its jurisdiction over both the secular and the regular clergy, but it exercised that jurisdiction in accordance with the general policy of the Church. Every care was taken to keep clerical offences from public knowledge, except in cases of formal heresy or of administering the sacraments by those who held only the lower orders. As a rule, in place of being confined in the secret prison during trial, they were housed in some convenient convent, where their presence need excite no surprise. When convicted, they were not exposed in the public autos de fe, but their sentences were read in the audience-chamber with closed doors, though in certain cases a prescribed number of other clerics were summoned to be present as witnesses; even then they did not wear the penitential habit as did laymen.[3]

For aggravated offences, the ordinary punishment was reclusion in a designated convent for a specified term, a penalty which might be infinitely varied. Perhaps six months or a year was to be passed in a cell; the culprit was to be last in choir and refectory; he might be suspended for a term or perpetually from some or

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] Archivo de Simancas, Inq., Lib. 896, fol. 1.
[3] MSS. of Royal Library of Copenhagen, 218b, p. 334.

all of his functions and of the right to vote or to be voted for; spiritual penances might be superadded or, at his entrance, he might be subjected to a *zurra de rueda*, or circular discipline, in which all the members of the house, including the lay-brethren, took a hand. All these greater or less aggravations could be varied or accumulated to meet the exact shades of guilt. This conventual reclusion was adopted, perhaps, partly for concealment and partly as a milder form of incarceration, but the mercy was doubtful if we may trust the story told by Llorente of a Capuchin guilty of aggravated abuse of the confessional who, when condemned to five years' reclusion in a convent of his Order, begged to have it changed to incarceration in the secret prison; he had been, he said, provincial and guardian, he knew how the brethren treated those thrust upon them as criminals, and it would cost him his life. His prayer was refused and his prevision was correct, for he died within three years.[1] I have met, however, with cases in which the recluded fraile survived longer terms; as a rule, no doubt, life was not rendered pleasant, but it depended on circumstances. The Franciscan, Francisco Ortiz, sentenced to confinement for two years in a cell in the convent of Torrelaguna, without intercourse with his brethren, refused to leave his retirement on the expiration of the term and remained there till his death, twelve years later, the object of veneration to all around him.[2] There might or might not be sympathy for the penitent and his treatment naturally corresponded.

When, however, the offence was formal heresy, entailing reconciliation or relaxation, the cleric was obliged to appear in an auto de fe, like any other culprit. Cases of the kind were common enough in the early period, when many Conversos had entered the Church but, after the thorough weeding out by the Inquisition, they became rare. An essential preliminary was degradation from the priesthood, which was of two kinds, verbal and formal—the former sufficing for cases of reconciliation, while relaxation required the latter. Verbal degradation effaced the orders, but not the priestly *character* and, in the later period, publicity was often avoided by executing the sentence in the audience-chamber, as in the Toledo cases of Jacinto Vásquez Aranso, a priest convicted of Judaism and condemned to the galleys, December 4, 1688, and

[1] Llorente, Hist. crít. Cap. XXVIII, Art. ii, n. 10.
[2] Böhmer, Francisca Hernández, pp. 174–5.

of Buenaventura Frutos, cura of Mocejon, sentenced February 19, 1722.[1] Originally the ministration of a single bishop sufficed for verbal degradation, while two were required for formal, until Gregory IX, to facilitate the operations of the Inquisition, decreed that, in cases of heresy, the bishop of the culprit could perform the ceremony, in the presence of some abbots and other learned men, and finally, in 1551, the Council of Trent permitted a single bishop to officiate in all cases of formal degradation, and his vicar-general in verbal degradation.[2]

The ceremony of public formal degradation was impressive. The culprit marched in the procession bearing the mitre and sanbenito of relaxation, which were removed on the staging in order that he might be seen in his priestly vestments and tonsure. In the case of Fray Joseph Díaz Pimiento, a relapsed Judaizer, burnt at the Seville auto de fe of July 25, 1720, we are told that an immense crowd was assembled, for no degradation had been witnessed there since 1623. The auto was celebrated in the church of San Pablo but, as soon as Fray Joseph's sentence was read, he was taken by a number of officials to a scaffold in the Plaza de San Francisco, where the Bishop of Lycopolis, the assistant of the archbishop, performed the ceremony. His tongue, the palms of his hands and finger tips were scraped and rubbed with tow, the tonsure was erased by cutting his hair and he was deprived of his orders one by one in the reverse order of their bestowal. He was then handed over to his superiors of the Mercenarian Order, who stripped him of the habit, after which the mitre and sanbenito with painted flames were replaced on him and he was taken to the *juzgado*, or secular court, and delivered to the deputy Assistente of the city to be formally sentenced and conducted to the *brasero*.[3]

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Cap. 1, Tit. ii; Cap. 2, Tit. ix in Sexto, Lib. v—C. Trident. Sess. XIII, De Reform. cap. 4.

[3] Archivo de Alcalá, Hacienda, Leg. 473.—Bibl. nacional, MSS., R, 128, p. 35.—Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tom. 4, n. 54.

CHAPTER IV.

THE STAKE.

The condemnation of a human being to a death by fire, as the penalty of spiritual error, is so abhorrent to the moral sense and so oppugnant to the teachings of Christ, that modern apologists have naturally sought to relieve the Church from responsibility for such atrocity. On the surface a tolerably plausible argument can be made. The ministers of religion, the spiritual courts, the Inquisition itself rendered no judgements of blood. Any ecclesiastic who might be concerned in them incurred "irregularity" requiring a dispensation before he could validly perform his functions or obtain preferment. The execution of heretics was a matter purely of secular law and burning them alive is not prescribed in canon or decretal. The earliest recorded example of concremation is that administered by Robert the Pious of France to the Cathari of Orleans in 1017, and its embodiment in positive law has not been found earlier than in the decrees against Waldenses by Pedro II of Aragon in the Council of Gerona in 1197. In 1231 Frederic II included it in the Sicilian Constitutions and, in 1238, by his Cremona decree, extended it throughout the empire, while Alfonso the Wise of Castile, in 1255, adopted it for Christians who turned Jews or Moors.[1] It thus became part of the public law of Christendom, not so much from the initiative of rulers, as from a recognition of what had become a custom through the spontaneous ferocity of popular fanaticism.

The Inquisition, through whose agency heretics were consigned to the stake, did not itself condemn them to it, but merely pronounced them to be heretics of whose conversion no hope was entertained; it cut them off from the Church, which had nothing further to do with them, and abandoned or "relaxed" them to the secular arm for due punishment. It assumed that it con-

[1] C. Gerundens. ann. 1197 (Aguirre, V, 102-3).—Constitt. Sicular. Lib I, Tit. 1.—Huillard-Bréholles, Hist. Diplom. Frid. II, Tom. V, p. 201.—Fuero Real de España, Lib. IV, Tit. 1, ley 1.

demned the crime and the civil judge the criminal and, in relaxing him, it adjured the judge to spare his life and not to spill his blood. This latter was a device invented by Innocent III, before the Inquisition existed, to preserve from irregularity the spiritual courts in degrading clerics guilty of forgery and handing them over to the secular authorities for execution.[1]

This shifting of responsibility to the civil power was not through any sense that the laws punishing heresy with burning were cruel or unjust, for the Church taught this to be an act so eminently pious that it accorded an indulgence to any one who would contribute wood to the pile, thus assuming the responsibility and expending the Treasure of the Merits of Christ in stimulating popular ferocity. That this indulgence was well known in Spain appears in the evidence in the trial of Jan of Antwerp for Lutheranism at Toledo in 1561.[2] In fact, when Luther argued that the burning of heretics was contrary to the will of the Spirit, Leo X included this among his heresies condemned in the bull *Exsurge*

[1] Gloss. Hostiensis in Cap. *ad abolendam* n. 14 (Eymerici Director. P. II).—Cap. 27, Tit. 40, Extra, Lib. v.

The attitude of the Church is defined in these canons:

"A cleric shall not sentence to death or mutilation, under pain of deprivation of honor and benefice."—Cap. 5, Tit. 50, Extra, Lib. III (Alex. III).

"No cleric shall utter or dictate a sentence of blood, or exercise capital jurisdiction, or be present where it is exercised. Nor shall a cleric write or dictate letters concerning judgements of blood. Nor shall a subdeacon, deacon or priest practise surgery involving cutting or cautery."—Ibid. Cap. 9 (Concil. Lateran. IV).

The German prince-bishops, who had *haute et basse justice*, did not invest their judges with power to pronounce sentences of blood, but procured commissions for them from the emperor, as otherwise they were deemed blood-guilty and were deprived of their office. The secular princes were under no such obligation.—Schwabenspiegel Cap. cxi (Senckenberg, Corp. Jur. German, II, 140).—See also Schwäbisches Lehenrecht cap. xvii (Ibid. II, 17, 18).

A cleric uttering a sentence of blood, causing mutilation or death, becomes irregular and, on this account, although he does not *ipso jure* forfeit his benefices, yet he is to be deprived of them by the Ordinary or forced to resign them.—Thesaurus, De Pœnis ecclesiasticis, s. v. *Judicis laici munus*, cap. 2.—Cf. Ferraris, Prompta Bibliotheca, s. v. *Irregularitas*, Art. I, n. 11; Art. II.

[2] Formulary of the Papal Penitentiary, Rubr. XLII (Philadelphia, 1892).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 110, n. 31, fol. 4.—A commentator of the seventeenth century argues that clerics who seek to gain this indulgence become irregular if the wood they bring actually aids in burning the heretic.—Jac. a Graffiis Decis. aureæ Casuum Conscientiæ P II, Lib. ii, Cap. 19, n. 3.

Domine.[1] Consequently the secular power had no choice as to what it should do with heretics delivered to it; its act was purely ministerial, and if it listened to the hypocritical plea for mercy, it was liable to prosecution as a fautor of heresy and to deprivation of its functions.[2] The Church enforced this by embodying in the canon law a provision that princes and their officials must punish duly and promptly all heretics delivered to them by inquisitors, under pain of excommunication, which became heresy if endured for a year; and inquisitors were required to proceed against them, but were cautioned to speak only of executing the laws, without alluding to the death-penalty, in order to escape irregularity.[3]

As elsewhere, so in Spain. The Inquisition abandoned the unrepentant or relapsed heretic to the secular arm, which was bound to sentence and execute him. In the hurried informality of the early period, it seems to have been indifferent whether the magistrate pronounced a sentence or not. A contemporary account of the Toledo auto of August 14, 1486, describes the reading of the sentences of the inquisitors and the condemned being carried at once to the Vega for execution, where they were burnt till not a bone remained, without any allusion to the formality of intervention by the secular power.[4] When, however, the form of a condemnation by the alcalde was observed, as at Córdova in 1484, he uttered it by virtue of the sentence of the inquisitors, which rendered unnecessary anything more than condemning the culprit to be burnt alive, wherefore he ordered the alguazil mayor to carry it into effect.[5] In the inquisitorial sentences of the period the adjuration for mercy is generally lacking. In that of Mencia Alonso, condemned at Guadalupe, November 21, 1485, not only is it absent but the duties of the secular officials are treated as purely ministerial, for it ends "As a limb of the devil and accursed and excommunicate, she shall be taken to the place of burning so that by the secular justice of this town, or by other laymen, justice shall be executed upon her according to the custom of these kingdoms."[6]

[1] Bullar. Roman. I, 611.
[2] Astesani Summæ de Casibus Conscientiæ, Lib. I, Tit. lviii. Art. 4.
[3] Cap. 18, Tit. ii in Sexto, Lib. v.
[4] Relacion de la Inquisicion Toledana (Boletin, XI, 300).
[5] Boletin, V, 404.
[6] Archivo hist. nacional, Inquisicion de Toledo, Leg. 132, n. 31.

That the function of the magistrate was not judicial is manifested in the refusal to communicate the trial to him. When those of Brescia, in 1486, refused to execute the sentences of the inquisitor without seeing the trials, Innocent VIII ordered the inquisitor to excommunicate them if they delayed more than six days, no matter what the local laws might be, for heresy was a purely ecclesiastical crime.[1] In accordance with this is the assertion of the *Repertorium de Pravitate Hæreticorum*, printed at Valencia in 1494, that the magistrate has no right to have the process shown to him that he may judge as to the justice of the sentence; inquisitors are not to concede any such right, for his sole duty is to execute it without delay, and if he hesitates he is subject to deprivation of office and condemnation as a heretic.[2] This principle was fully admitted by secular jurists themselves. Torreblanca, who was attached to the royal Chancellery of Granada, states that the duty of the civil magistrate is purely executive and he has no right to examine into the merits of a case or to act in a judicial capacity.[3]

In fact, the secular power could be dispensed with altogether. The Venetian Signory was not always as prompt as it should be in suppressing heresy so, to avoid delays and embarrassing questions, the papal nuncio there, with his fiscal, auditor and other officials, had faculties to condemn to mutilation and death all heretics without incurring irregularity or other ecclesiastical penalties, notwithstanding all canons and decretals to the contrary. Such provisions were issued in 1547 by Paul III and in 1550 by Julius III and were doubtless customary.[4] Peña reduces this to a general principle for, without referring to special papal faculties, he asserts

[1] Innocent, PP. VIII, Bull. *Dilectus filius*, 30 Sept. 1486 (Pegnæ Append. ad Eymerici Direct. p. 84).

[2] Mich. Alberti Repertorium, s. vv. *Communicare* § *Sed an quando; Executio* § *Qualiter*.

[3] Torreblanca, Epitome Delictorum, sive de Magia, Lib. III, cap. xxix, n. 15–17. "Et eo jure utimur quia potestates sæculares in tali casu sunt meri executores." See also Vol. I, p. 603, in the proclamation of the civil power, on the arrival of an inquisitor, the clauses requiring secular officials to inflict "las debidas penas cada y quando por el dicho venerable inquisidor sera declarado."

[4] Fontana, Documenta Vaticana, pp. 137, 145 (Rome, 1892). The Roman Inquisition made no pretence that its judgements were not final; it assumed that it sentenced to mutilation and death, and in this it claimed that those concerned were immune from the canonical irregularity.—Collectio Decretor S. Congr. Sti Officii, p. 219 (MS. *penes me*).

that the intervention of the secular judge is unessential and that, if he is not accessible, the tribunal can condemn the heretic to death; if accessible he must execute the sentence if he wishes to escape the heavy penalties of fautorship and impeding the Inquisition.[1]

There was little danger of such reluctance on the part of secular officials in Spain, where the oath exacted of them by the Inquisition obliged them to execute whatever sentences the tribunal might require.[2] In fact, the only indication I have met with, of possible hesitation involving punishment, occurs in a mandate, September 5, 1725, to the Toledo tribunal, directing that, in autos de fe, the first sentences read should be those of relaxation—thus reversing the usual order—so that the convicts might be delivered at once to the royal judge, without permitting delay in the execution of the sentences, under any pretext, since the tribunal had complete jurisdiction to compel him, by censures and other penalties, to its exact performance.[3]

The Inquisition regarded the sentence of the magistrate as a mere perfunctory formality. The doctors had pointed out conclusively that heresy was a crime over which he had no jurisdiction, and if he were to assert it he would render illusory the sentence of the bishop or inquisitor.[4] Consequently, in preparation for an auto de fe, the tribunal, in advance, gave to the secular authorities a list of the condemnations so that the sentences might be drawn up and the wood, the stake and the garrotes be prepared for immediate execution.[5] It is true that thrift induced a certain amount of equivocation when, in 1579, the royal alguaziles of Saragossa claimed payment from the confiscations for their services and for the cost of the wood, and Philip II emphatically rejected the demand as unexampled, adding that the inquisitors could not

[1] Pegnæ Comment. 48 in Eymerici Director. P. II. In view of the unvarying practice of the Church for nearly six hundred years, it requires hardihood for a writer, in 1902, to argue that the civil magistrate and not the Inquisition was responsible for the burning of heretics.—Razon y Fe, T. IV, p. 358 (Madrid, 1902).

[2] Pablo García, Orden de Processar, fol. 74.

[3] MSS. of Royal Library of Copenhagen, 213 fol., p. 126.—"En ellos las primeras causas que deben leerse son las de relaxados, para que incontinenti puedan entregarse al juez real sin permitirle dilacion con pretexto alguno en la execuzion de la sentencia; pues siempre queda al tribunal jurisdiccion segura para obligarle por censuras y otras penas á su puntual cumplimiento."

[4] Arn. Albertini de Agnoscendis Assertionibus Q. XXV, n. 44–5.

[5] Archivo de Alcalá, Hacienda, Leg. 473.—Olmo, Relacion del Auto, p. 287.

order such payment without irregularity, and that the executions were in virtue of the sentences of the secular judges and not of the inquisitors.[1] This, however, was the merest quibble. In *autos generales*, the magistrates were asked to be present to receive the convicts and "execute on them the penalties imposed by the canon law of the kingdom." In *autos particulares*, held in churches which must not be polluted by judgements of blood, the Suprema pointed out, in a consulta of April 7, 1690, that the secular judges could wait at a designated place, when it sufficed that a notary informed them in writing that "N. has been declared a heretic by sentence of the Holy Office," simultaneously delivering the convict, when they must accept this assertion, and without delay execute the sentence, unless they wish the Holy Office to prosecute them as fautors of heretics and impeders of its free jurisdiction. At the same time the judges are to continue as usual to pronounce the formal sentence.[2]

Still, the *estilo* of the Inquisition required the ghastly comedy of asking mercy. In the official formula of the sentence the clause announcing relaxation to the civil magistrate proceeds "whom we ask and charge most affectionately to treat him benignantly and mercifully." In sentences of the absent and dead, where the effigy alone was abandoned to the secular arm, there is no prayer for mercy, as there was no effusion of blood to create irregularity.[3] In the rigid formalism of inquisitorial procedure, after the Suprema had established its minute control, it is safe to assume that this official formula was universally followed.

All this affords ample proof that the avoidance of irregularity was the only motive that actuated the Inquisition in this matter, but if further evidence is required it is furnished by the fact that still greater scruple existed in the exercise of the temporal jurisdiction acquired by the Spanish Holy Office over all matters concerning its officials, because such cases were not provided for in the commissions of the inquisitors-general, from which were delegated the powers of the tribunals. In 1514 the question arose when Micer Castillo, assessor in the Saragossa tribunal, was murdered, and two of his assassins, Joan Uguet and Pere Gasco, were tried and convicted. The inquisitors dared not deliver them to the secular arm for execution, and various devices were

[1] Archivo de Simancas, Inq., Lib. 926, fol. 257.
[2] Ibidem, Lib. 42, fol. 291, 293, 308.
[3] Pablo García, Orden de Processar, fol. 32, 54, 59, 68.

discussed, but the matter was settled by procuring from Leo X his motu proprio *Cum sicut accepimus*, January 28, 1515, in which he granted faculties to the inquisitors to arrest, try and deliver for punishment to the secular authorities, any one who had struck, mutilated or slain an official of the Inquisition, even if it entailed effusion of blood or mutilation or death, without incurring any note of irregularity.[1] Under this the tribunals acted when such cases arose, notably in Granada, about 1545, when seven persons were thus relaxed—six Moriscos and an Old Christian—who, while in prison, killed the alcaide and his assistant and who were hanged before burning.[2]

In time the cardinals of the Roman Inquisition were beset with similar scruples and, to relieve their consciences, Pius V, October 9, 1567, granted a decree empowering them to participate in sentences of blood without incurring irregularity.[3] This applied only to Italy, but it was otherwise with the terrible bull *Si de protegendis*, April 1, 1569, commanding the delivery to the secular arm, for the punishment due to high treason, of any one maltreating or even threatening an official of the Inquisition or destroying or altering its records. This was ordered to be published throughout the world; the Spanish Inquisition claimed the benefit of it, and had a Castilian version of it published every year. It made no illusion to irregularity, tacitly assuming that none was incurred and it was often cited in Spain to that effect.[4] Still, when in 1579, the Toledo tribunal desired the death-penalty for Francisco de la Bastida, for personating an official of the Inquisition, and there was no secular law to that effect, a special brief was obtained from Gregory XIII empowering it to find him guilty of death and deliver him to the secular arm for execution without incurring irregularity.[5]

There seems to have arisen a fresh sense of insecurity about 1605. The brief of Leo X was well-nigh forgotten; some tribunals had copies of it, but most of them had not, and the bull *Si de protegendis* did not specifically meet cases that arose. Application was therefore made to Paul V to extend to Spain the 1567 decree

[1] Bulario de la Orden de Santiago, Lib. I de Copias, fol. 139.—Archivo de Simancas, Inq., Lib. 3, fol. 323, 456; Lib. 927, fol. 349.

[2] Ibidem, Lib. 922, fol. 682.

[3] Bulario de la Orden de Santiago, Lib. IV, fol. 169.

[4] Bullar. Roman. II, 298.—Bibl. nacional, MSS., D, 118, p. 82.—Archivo de Alcalá, Hacienda, Leg. 1049.—Archivo de Simancas, Inq. Lib. 939, fol. 63.

[5] Bulario de la Orden de Santiago, Libro III, fol. 156.

of Pius V, which he granted by a brief of November 29, 1605, repeated in 1607. In this he bestowed the fullest powers, not only on inquisitors but on all their officials, in all cases whether of faith or not, coming within their competence, to participate in sentences of torture, mutilation, or death without incurring irregularity.[1] This would appear ample enough to remove all possible scruples and yet subsequently contingencies occasionally arose which excited debate, or called for papal intervention to quiet sensitive consciences.[2]

In the work of exterminating heresy, the rules which governed the Spanish Inquisition were more merciless than those framed by its predecessor. At first, in the medieval tribunals, it was only the pertinacious and impenitent heretic who was consigned to the stake; he who recanted and professed conversion, even at the last moment, was admitted to reconciliation. Then gradually, as it was found that these enforced conversions were frequently insincere, relapse was regarded as proof of impenitence and pertinacity and was subjected irremissibly to the death-penalty, and this included those who had abjured for vehement suspicion. The treatment is exemplified in the case of Fray Bonato, the head of a little body of Spiritual Franciscans in Catalonia. He was pertinacious until the flames had roasted him one side, when his resolution gave way; he professed conversion and was rescued, but some years later he was found to be still cherishing his heresies and, in 1335, he was burnt alive.[3]

The number of burnings in the Spanish Inquisition, during its first half century, could never have occurred under the old rules. Indeed, in the first rush and fury, the case of Juan Chinchilla in 1483 (Vol. II, p. 468) indicates that even frank confession failed to save from the stake those who had sought reconciliation in a Term of Grace, but had been prevented by causes beyond their control. Even when rules began to be framed, the Instructions of 1484 placed the lives of those on trial at the discretion of the tribunal, for they required that repentance and asking for reconciliation must be expressed prior to rendering the final sen-

[1] Archivo de Simancas, Inq., Lib. 922, fol. 685.—Bulario de la Orden de Santiago, Lib. IV, fol. 169–70.

[2] Archivo de Simancas, Inq., Lib. 42, fol. 246, 255–7; Lib. 17, fol. 70; Lib. 25, fol. 156.

[3] Eymerici Director. P. II, Q. xi.

tence, to entitle the culprit to mercy; while even then, if the inquisitors considered that the repentance was feigned, and they had not fair hope of genuine conversion, they were empowered to declare him an impenitent and relax him to the secular arm—all of which was left to their consciences.[1]

The rule thus expressed presents two points, the development of which requires separate consideration. As regards the time of confessing and begging mercy, which the Instructions limit to the period prior to the rendering of the sentence, this was extended to the time of reading of the sentence at the auto de fe. Yet this was grudgingly admitted by the Instructions of 1561, which say that often when convicts on the staging profess conversion the inquisitors receive them to reconciliation, but this ought rarely to be done, for it is a very perilous thing which should be suspected to come from dread of death rather than from true repentance.[2] Yet, in spite of this warning, it was customary to suspend proceedings with those who, at the auto de fe, before the reading of their sentences, claimed to be penitent. They were remanded to the Inquisition and, if they confessed fully as to themselves and others, they were reconciled with appropriate punishment. Such cases were of constant occurrence; in the Córdova auto of April 12, 1722, there were four. Even while the sentence was being read, the doubt was thrown in favor of the culprit, as in the Murcia auto of May 17, 1722, when Inez Alvárez Pereira, convicted as an impenitent Judaizer, begged mercy during the reading of her sentence, professed that she wished to confess and be converted, and was sent back to prison, where she was reconciled.[3] In fact, in public autos, where there were convicts to be relaxed, there was always a room arranged under the staging to which the repentant culprit was at once transferred and one of the inquisitors descended to take his confession before he should have time to change his good resolutions. In such cases reconciliation was accompanied with confiscation, irremissible prison and sanbenito and usually one or two hundred lashes for tardy confession.[4]

The Instructions of 1561 were justified in claiming that little reliance was to be placed on conversions thus obtained. For the most part the awful experience led penitents, who thus escaped,

[1] Instrucciones de 1484, § 12 (Arguello, fol. 5).
[2] Instrucciones de 1561, § 44 (Arguello, fol. 33).
[3] Royal Library of Berlin, Qt, 9548.
[4] Archivo de Simancas, Inq., Leg. 552, fol. 3.

to cherish their beliefs in secret, but occasionally there was one whose conscience could not pardon the weakness that led to a betrayal of faith. Diego López Duro, an humble retailer of tobacco, condemned for Judaism, recanted while on the staging and was reconciled with imprisonment. In 1700, one day, when hearing mass, he stood apart from his fellow-prisoners and, in a loud voice, told the priest that he lied for the Law of Moses was the only true one. He would have been slain on the spot had he not been hurried out to save him from popular wrath, but for him there could be no mercy. The inquisitors labored long to save his soul by inducing him to recant without success; he was pertinacious to the last and was burnt alive in the Seville auto of October 28, 1703—one of those martyrs whose constancy explains why Judaism has been indestructible.[1]

After the reading of the sentence was concluded, recantation did not avert the death-penalty, as in the elder Inquisition, but it was modified to garrotting or strangling before burning, for it was received as a principle that a Christian was not to be burnt alive. This was recognized at least as early as 1484, when in a Saragossa auto a culprit is recorded as strangled before burning "porque murio reducido."[2] In addition to this, the traditions of the Old Inquisition introduced at first a certain irregularity in practice, and it did not follow that delivery to the secular arm inevitably inferred execution. In a list of *quemados y relaxados* at Ciudad Real, there are several cases, up to 1523, of those who were "relaxed" and yet had penances of various kinds, showing that they had recanted after delivery to the magistrate and yet were spared the death-penalty.[3] In fact, it continued for some time to be a matter of debate, in which opinions were divided, whether a man who had been returned by the secular judge to the inquisitors, because he recanted and promised full confession, could be again relaxed for execution. The older doctors inclined to the merciful view and Simancas tells us of such a case in Cuenca, which was referred to the Suprema, when many experts held that the culprit could not be again relaxed, for he had made a true confession, and the secular arm had renounced its rights. Even as late as 1640 an inquisitor says that the rigor of executing a man

[1] MSS. del Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A., T. 4, n. 53.

[2] See Vol. I, Appendix, p. 593.

[3] Archivo hist. nacional, Inq. de Toledo, Leg. 262.

who repents after delivery to the magistrate is not customary in Spain.[1]

In this he would seem to be mistaken. I have never met with a case, later than those alluded to, in which conversion professed after sentence secured reconciliation. The tendency to rigor was too strong. The Instructions of 1561 make no allusion to such a possibility, as they grudgingly allow mercy for earlier confession. Peña forbids it; he admits that it was the ancient custom, but such conversions are not to be trusted and experience shows that such penitents are only rendered worse.[2] It was the universal practice to garrote those who professed repentance after sentence, and the dreadful alternative of death by fire, when thus impending so imminently, wrought so many conversions on the way to the *brasero*, even among those whose resolve had held out thus far, that burning alive became comparatively infrequent. In the first three autos held at Barcelona in 1488 and 1489, all the converts professed a desire to die in the Christian faith and all were strangled before burning.[3] At the great auto of May 21, 1559, at Valladolid where Dr. Cazalla and other Protestants suffered, there were fourteen relaxed in person, of whom only one, the Bachiller Herrezuelo, is characterized as a pertinacious heretic and consequently burnt alive, the rest being garrotted as repentant converts.[4] In 1571 there were hanging, in the parish church of Logroño, 157 sanbenitos, of which 101 were of those reconciled and 56 of those relaxed. Of the latter nine were in effigy and 47 in person, of whom only four are specified as burnt alive.[5] The weakness of human nature afforded but rare examples of those who could stand the final test of fiery martyrdom.

Notwithstanding the practice of executing all who delayed conversion until after hearing their sentences, there still were those who argued that they should be admitted to reconciliation, basing their contention on the ancient rule and on the silence of the

[1] Simancæ de Cath. Instt. Tit XLVII, n. 73.—Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 13.—Bibl. nacional, MSS., V, 377, Cap. iii, § 5.

[2] Pegnæ Commentt. 36, 46, in Eymerici Direct. P. II.

[3] Carbonell *op. cit.* (Col. de Doc. de la C. de Aragon, XXVIII, 13, 15, 29).

[4] Bibl. nacional, MSS., D, 153, fol. 95. This was the rule also in the Roman Inquisition. Del Bene tells us that strictly according to law the convicted heretic is to be burnt alive, but that "among Christians this is not followed, unless he is pertinacious, in which case there is no reason why he should not be burnt alive."—De Officio S. Inquisitionis, II, 113 (Romæ, 1666).

[5] D. N. Herqueta (Boletin, XLV, 424–33).

Instructions of 1561 on this point. In 1674 the Suprema felt called upon to quiet the doubts of the Granada tribunal, by insisting that this rigor had been the invariable custom of the Holy Office. Still the question was debated until a carta acordada of May 24, 1699, disposed of it authoritatively. This declared that, in consequence of existing doubts, the Suprema had examined the matter carefully, reaching the conclusion that technically the delivery to the secular arm was coincident with the reading of the sentence; the Inquisition thus remained without jurisdiction which had passed to the royal justice for the execution of the sentence. Therefore, if the convict was not converted before the reading of the sentence, he was not to have mercy or to be admitted to reconciliation, even if he begged for it, but the royal justice was to execute and fulfil the sentence. If the conversion was real and not feigned—the latter being presumable at such a time—any of the confessors who assisted the culprit could reconcile him to the church and confess him sacramentally.[1] Thus his body was irrevocably forfeited, although his soul might be saved.

After so formal a definition, no arguments in favor of mercy could be urged. In the sixty-four autos de fe, between 1721 and 1727, there was a total of seventy-seven cases of relaxation in person. In the relations it is not always stated distinctly whether the victim was burned alive or garrotted but, from the details given, the estimate cannot be far wrong that not over thirteen, or about one in six, endured the severer punishment. In the Granada auto of January 21, 1722, there were eleven relaxed, all of whom professed conversion after their sentences were read, and all were garrotted before burning. So rigid was the interpretation of the rule that it could not be dispensed with even to gratify the intense longing for expiation which sometimes possessed the eleventh hour convert. In the Córdova auto of April 12, 1722, Antonio Gabriel de Torre Zavallos, relaxed for Judaism, was converted after the reading of his sentence. At the brasero, with copious tears and signs of repentance, he loudly proclaimed his Christian faith, praising the mercy of God and of the Holy Office and demanding to be burnt alive, in order to offer to God satisfaction for his sins, but this was refused; he was duly garrotted and "he gave his soul to God to the great consolation and edification of all the people."[2]

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 10 n. 2, fol 136.
[2] Royal Library of Berlin, Qt. 9548.

An unpleasant doubt obtrudes itself whether in all cases the preliminary strangling really relieved the sufferer from death by fire. Spanish executioners are said to possess such dexterity in manipulating the garrote that they can prolong the death-agony for hours when they are not bribed to give a speedy release. In the universal venality of the period, it is possible that those, whose friends failed to earn the good-will of the minister of justice, were by no means insensible when the torch was applied to the faggots. There may have been more than mere lack of skill in the incident at the Cuenca auto of June 29, 1654, which gave Bartolomé López the opportunity of displaying his nerve. He had delayed professing conversion until after the reading of his sentence and was consequently relaxed for strangulation and burning. At the brasero, seeing that the executioner, Pedro de Alcalá, bungled in garrotting Violante Rodríguez and Ana de Guevara, he said to him "Pedro, if you do not treat me better, you had better burn me alive."[1]

According to inquisitorial jurisprudence, there were several causes which entailed relaxation. The first of these was pertinacity—the obstinacy which led the heretic or apostate to avow and defend his errors, and to resist the well-meant effort of his judges to save his soul by inducing conversion. This heroic temper, which preferred martyrdom to denying what it believed to be the truth, was not common, but the annals of the Inquisition are illustrated by cases of unknown and forgotten victims, whose persistence through torment and persuasion, to the fiery death at the brasero, ennobles human nature, whether they were Moslems or Jews, Protestants or Mystics. It was a blind perversity that refused to see in this aught but hardness of heart, inspired by Satan, and with empty rhetoric sought to draw a distinction between this and true martyrdom. Thus Simancas tells us that we should not be surprised to see heretics sometimes carried rejoicing to the stake. This is not true alacrity but madness, not patience but fierceness, and there is wide difference between barbarous fierceness and the modest constancy of the true martyr. Then there are those who, by certain arts, so benumb the body that it does not feel torments; there are also those who deprive the mind of sense, so that they meet death without fear, but that gentleness and placidity, that sublime humility and humble sublimity, we see only in the martyrs of Christ.[2]

[1] Bibl. nacional, MSS., S, 294, fol. 375.

[2] Simancæ Enchirid. Tit. XXXI, n. 3.

Yet, to do it justice, the Inquisition—at least after the first fury of its career was spent—earnestly sought the salvation of its victims, rather than to send them through temporal to eternal flame. We have seen that, in the case of those sentenced to relaxation, it advanced the notification of their fate, in order to enlarge the opportunity of the ghostly counsellors, whom it deputed to labor with them. Even before this extension, the Instructions of 1561 order inquisitors to do everything in their power to induce conversion, so that, if nothing else can be accomplished, the culprit may not die without the knowledge of God.[1] During the fortnight previous to an auto de fe those sentenced to relaxation were to be summoned to repeated audiences, when they were to be earnestly entreated to confess and recant, with promises of mercy, and learned theologians were required to be present to aid in the exhortations.[2] Even prior to the consulta de fe, pious inquisitors spared no effort to convince the erring of their errors. One relates how, in 1630, he had to deal with two Protestants, an Englishman and a Frenchman, who were pertinacious, saying that they had been brought up in their pretended reformed religion and knew nothing of Catholicism. Their simplicity went so far as to ask to be allowed to return to their native lands, or that persons learned in both religions should dispute before them, so that they might learn which was best for, as they were illiterate, they could not themselves dispute. The inquisitor set theologians to work upon them when, after considerable labor, they were converted; devotional books were given to them, which they eagerly devoured; the trial was delayed and, by the time the witnesses were ratified, the heretics were good Catholics.[3]

When three days' notice of impending relaxation was given, the time was utilized to the utmost. There was a pertinacious heretic to suffer in the Seville auto of December 10, 1719—a Moorish slave, baptized under the name of Francisco Andrés, who had renegaded and was persistent when his sentence was made known to him. Then twelve calificadores—two each from the Orders of Mercenarians, Minims, Franciscans, Dominicans, Augustinians and Jesuits—with eight familiars were assigned to his conversion. They were successful and he escaped with prison

[1] Instrucciones de 1561, § 43 (Arguello, fol. 33).
[2] Archivo de Simancas, Inq., Lib. 979, fol. 40; Lib. 876, fol. 105b.
[3] Bibl. nacional, MSS., V, 377, Cap. 10.

and sanbenito for four years.[1] A remarkable case, at the Seville auto of July 5, 1722, shows however that, after delivery to the secular arm, the Inquisition considered that its functions were ended. There were four pertinacious Jews, two men and two women. Nine calificadores and eleven familiars labored with them in vain during the three days; they persisted through the reading of the sentences and were delivered to the secular magistrate. The two men and the elder of the women succumbed at the last, professed conversion and were garrotted and burnt. The younger woman, known as La Almiranta, at the brasero begged audience of the deputy assistente, told him that she desired to confess and give evidence as to other Jews and was remanded to the royal prison. Word was sent to the tribunal, which replied that it had nothing further to do with her. She was kept until the 7th and, when taken to the brasero was more pertinacious, than ever, saying that, as her companions had died as Catholics, they were accursed and that she had pretended to yield in order that her ashes, which were holy, should not be mingled with theirs. Of course she had the martyrdom which she craved.[2]

In exceptional cases pertinacity seems to have been allowed the privilege of preliminary strangulation. At a Valladolid auto of May 29, 1691, there were five pertinacious women condemned for Judaism, described as being from 24 to 27 years of age and very handsome, who excited general compassion. On being delivered to the magistrate two of them weakened, while three persisted in their faith, yet they were all garrotted before burning.[3]

A large portion of the cases of pertinacity arose from the death in prison, during trial, of those who did not ask on the death-bed for the consolations of religion, and who had no opportunity of obtaining mercy by conversion. Thus in the Granada auto of May 13, 1725, out of seven burnings in effigy, six were of those who had died in prison.[4] Suicide in prison was treated harshly, for Simancas tells us that the suicide is to be condemned as fully convicted and impenitent, even though he had previously confessed and professed repentance, to which Rojas adds that,

[1] Bibl. nacional, MSS., R, 128.
[2] Ibidem, R, 118, p. 35.
[3] Ibidem, Pp, 67–10, fol. 101.
[4] Royal Library of Berlin, Qt. 9548.

although his effigy is to be burnt, his heirs are allowed to prove insanity, difficult as that is.[1]

The *negativo*—the man who denied his heresy in the face of what was deemed competent testimony of guilt—was classed as an impenitent heretic and doomed to relaxation. This was the inevitable logic of the Inquisition, although it led to the most tragic of all situations—that of being tortured to death in honor of the faith which the sufferer held. It was impossible, under the inquisitorial system, to allow a possible heretic to escape merely because he unflinchingly affirmed his orthodoxy, and yet when a man asserted it up to the brasero, knowing that it would not avail him, it was impossible not to recognize in him a true believer who would not save his body at the expense of falsely confessing apostasy. Three such there were in the Granada auto of May 27, 1593, burnt as negativos and consequently burnt alive.[2] Such men were true martyrs, especially as rigid constructionists denied them the consolations of religion in their last moments. At the Toledo auto of October 28, 1723, Diego de Quiros was in this position, and a Jesuit who heard him in sacramental confession was severely censured for doing so while he persisted in maintaining his innocence. Again the question came up in the Toledo auto of July 1, 1725. Fernando de Castro was relaxed as an impenitent negativo and was sentenced to burning alive. On account of the heat the execution was postponed until the afternoon, and the convict was meanwhile placed in the public prison. With cries he earnestly begged for sacramental confession, but the frailes in attendance declined unless he should admit his heresy, which he steadfastly refused to do, asserting the witnesses to be perjured, and the judgement unjust. At this juncture there came a Jesuit father who yielded to the despairing appeals of the poor wretch and heard him in confession, whereupon the judge took the responsibility of modifying the sentence to preliminary strangulation. The frailes loudly rebuked the Jesuit, and were joined by the public, disappointed of the promised spectacle of the burning alive of a fellow-creature. Considerable debate followed and a priest named Candido Múñoz wrote an argument justifying the Jesuit, but his labor was superfluous for, while his

[1] Simancæ Enchirid. Tit. LXII, n. 10.—Rojas de Hæret. P II, n. 183–4.
[2] Bibl. nacional, MSS., G, 54, fol. 249.

tract was in the press, the Suprema issued a carta acordada, October 11th, ordering that in such cases the priest should hear the confession and confer absolution or not, according to the disposition manifested, but in future no one but the appointed theologians were to attend the convict to the last.[1]

Thus it was left to this late date to admit the dying victim to the sacraments, probably, we may assume, on the doctrine that the blood of martyrdom is the most efficacious of all sacraments. Such cases could not have been common, but those must have been numerous in which the unjustly convicted negativo found his resolution give way at the approach to the brasero and, in order to escape burning alive and to obtain the sacraments, falsely confessed to having entertained heresies which his soul abhorred.

There was also the *diminuto*, who made a confession that did not "satisfy the evidence" and thus was held to be imperfect. A confession that was not full was regarded as fictitious; it inferred impenitence and therefore entailed relaxation. We have seen how, under the early Edicts of Grace, any omissions in the hurried confessions was construed as rendering them imperfect and subjecting the penitent to prosecution and relaxation. Especially was imperfect denunciation of accomplices regarded as *diminucio;* if the accused confessed all that was in evidence against himself and omitted the acts of accomplices who were proved to have been with him, or if he named only those who were absent or dead or already convicted, it was proof of malice and impenitence; he was not truly converted and was subject to relaxation after torture *in caput alienum.*[2] The denial of heretical intention in acts confessed, which was frequent in those against whom Judaic or Moorish customs were proved, constituted the accused a negativo in the substantial part of heresy, which is intention, or a diminuto, implying, according to the common opinion, impenitence and pertinacity involving relaxation.[3] Thus Hernando de Palma, a Morisco, accused of teaching and conducting Moorish ceremonies, denied and overcame severe torture, whereupon the consulta de fe

[1] Candido Múñoz, Question theologico-moral acerca del Reo de fe, etc. (Madrid, 1725).—MSS. of Royal Library of Copenhagen, 218b, p. 361.

[2] Bibl. nacional, MSS., V, 377, Cap. iii, § 6.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

voted for appearance in an auto and abjuration *de levi*. Ignorant of this, he asked for an audience and confessed that, for seven or eight years, he had practised some Moorish rites, without regarding them as contrary to the faith. In this he persisted and was burnt in the Toledo auto of 1606. Revocation of confession was similarly impenitence and pertinacity, as in the case of Manuel Thomas, who confessed to Judaism after the accusation was presented, then revoked the confession and persisted in the revocation, for which he was relaxed in the Toledo auto of 1585.[1]

When the Reformation plunged the Church into a struggle for life, of which no man might foretell the result, there arose a demand for sharper measures of repression. The dogmatizer or heresiarch—he who not only condemned his own soul to perdition but sought to carry others along with him, by disseminating his pestiferous doctrines—might recant and make his peace with God, but not with God's earthly ministers. Simancas well expresses the hatred intensified by fear, which was aroused by the teachers of the new doctrines. The heresiarch, he says, the master of errors, is to be relaxed and, under no circumstances, is to be received back into the Church. He is unworthy of pardon who has led others into error, like a murderer who has slain many. He is a crafty homicide, who daily sheds the blood of souls. He who teaches heresy slays, not with the sword, but with the poison of his doctrine; he kills not the body but the soul, not with temporary but with eternal death, wherefore he is worthy of the severest punishment. And, of all others, the teachers of the Lutheran heresies are in no way to be pardoned.[2]

Yet the Church had always professed to welcome to reconciliation its erring children, who renounced their errors and begged for mercy, provided they were not relapsed, and the Inquisition from its inception had acted on this principle. On this were based the powers deputized to it and when, in 1558 the discovery of the Protestants of Valladolid was so exploited as to throw Spain into agitation, and it was desired to make an example of Doctor Agustin Cazalla, some further grant of faculties was felt to be necessary. Paul IV was nothing loath. In 1555 he had apparently desired to show that Rome was not to be outdone by

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Simancæ de Cath. Instt. Tit. XLVII, n. 60–63; Enchirid. Tit. lix.

Geneva in persecuting rigor and that, if Calvin in 1553 had burnt Servet for denying the Trinity, he could be equally zealous for the faith. By the bull *Cum quorundam* he decreed that all who denied the Trinity, the divinity of Christ, his conception through the Holy Ghost, his death for human salvation, or the perpetual virginity of the Virgin, and who did not confess to inquisitors and abjure their errors within three months, and all who in future should maintain those heresies, should be treated as though they were relapsed and as such should be forthwith relaxed to the secular arm.[1] Having thus extended the catalogue of unpardonable heresies, he was quite ready to grant the additional powers sought by the Spanish Inquisition. By a brief of January 4, 1559, he bestowed on the inquisitor-general and Suprema a faculty to relax all heresiarchs and other heretics, even though they were not relapsed, and though they desired to abjure their heresies, when it was believed with verisimilitude that the abjuration was not sincere but was only to escape punishment.[2] This was, in fact, no more than the power assumed in the Instructions of 1484, but under it, as we shall see hereafter, were relaxed some conspicuous heretics, such as Doctor Cazalla at Valladolid and Juan Ponce de Leon at Seville, although they had renounced their errors and sought reconciliation in advance of the autos de fe.

It thus became a principle in inquisitorial jurisprudence that the inquisitor-general and Suprema could relax dogmatizers, irrespective of pertinacity or relapse.[3] This was not confined to Protestants. About 1600, the Suprema had to decide the case of a Morisco alfaquí, accused of being a teacher of Islam, who confessed to teaching his wife but denied other proselytism. A consulta presented to the Suprema argued that, although by law a

[1] Bullar. Roman, I, 821.—On the plea that such heretics claimed exemption from this on the ground of ignorance, Clement VIII, February 3, 1603, renewed and confirmed in perpetuity the act of Paul IV.—Bullar. III, 160.

Although the Spanish Inquisition preserved these decrees in its collections it does not seem to have acted on them. In 1568 there were two cases in Valencia of heretics who, among other errors, denied the virginity of the Virgin. One of these was a Gascon, Bernat de Vidosa, who was reconciled with only reclusion in a monastery; the other was Pedro Sobrino, a fisherman of Naples, more severely treated with ten years of galleys.—Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 63.—Bibl. nacional, MSS., R, 90, p. 252.—Archivo de Simancas, Inq., Lib. 930, fol. 26.

[3] Archivo de Simancas, Inq., Lib. 939, fol, 119.—Bibl. nacional, MSS., V, 377, Cap. ix, § 3.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

dogmatizer must be relaxed yet, if he spontaneously denounces himself and is sincerely repentant, he can be reconciled, for his conversion and humility serve as an example to those whom he has misled. In the present case, however, the alfaquí has only confessed partially and to save himself, wherefore he should be relaxed—and to this the Suprema assented.[1] Yet this severity had exceptions. In the Seville auto of July 5, 1722, Pedro de Alpuin, reconciled with perpetual prison and sanbenito, had five years of galleys added for being a teacher of the Law of Moses, and even these were remitted in consideration of his infirmities.[2]

Relapse was the most fruitful source of relaxation, at least after the first rage of the Inquisition had exhausted itself. It has been already stated that, after reconciliation or abjuration *de vehementi*, any backsliding was held to indicate that the conversion had been fictitious, that the culprit was impenitent and pertinacious, and that he was to be abandoned to the secular arm without hope of mercy. This was an unvarying principle of the canon law. The Suprema, in a case brought before it, in 1536, declared that it could not dispense for that which the law enjoined, and therefore it was powerless to relieve the relapsed from his punishment.[3] Simancas is equally emphatic—the relapsed is to be condemned without hope of pardon.[4] In the first audience of the accused, the inquisitor was required to tell him that, if he would discharge his conscience, his case would be despatched with speed and mercy but, if the charge was relapse, the word mercy was to be omitted because no mercy could be shown.[5] Even prompt and full confession was of no avail; the law was absolute and implacable.[6]

This severity was greatly enhanced by the elastic definition given to relapse. The reconciled penitent had to walk warily, for any unconscious return to ancestral habits was sufficient to convict him. About 1500 the Suprema decreed that penitents communicating with unreconciled heretics were to be held as relapsed, and all evidence coming before the tribunals was to

[1] Archivo de Simancas, Inq., Lib. 937, fol. 199.
[2] Royal Library of Berlin, Qt. 9548.
[3] Archivo de Simancas, Inq., Lib. 939, fol. 121.
[4] Simancæ de Cath. Instt. Tit. LVII, n. 3.
[5] Pablo García, Orden de Processar, fol. 11.
[6] Miguel Calvo (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).

be scrutinized for proof that would justify prosecution—evidently of those who might chance to be incidentally named in it—and then, if this proved insufficient for conviction, any admission of the accused, not contained in his former confession, could be used to condemn him as a fictitious convert.[1] How this was construed in practice, we learn from Simancas, who says that he is considered a relapsed who, after abjuring heresy, talks with heretics, or visits them, or makes presents to them, or favors and communicates with them, so that he cannot but be held to do it as a consequence of his heresy.[2] The man who had been reconciled thus lived in unceasing danger that, at any moment, some acquaintance might be tried and convicted and his name might occur in the evidence as being on good terms with him. Safety, indeed, could only be secured by resolutely isolating himself from his family and his race.

It was the same with those who had only abjured for vehement suspicion. The Instructions of 1561 declare absolutely that, if they confess or are convicted, they must be relaxed, for the inquisitors have no power to reconcile them, although they are not truly but only fictitiously relapsed.[3]

Still, there were some exceptions. Self-denunciation for relapse, it was admitted, required relaxation under the law, but it was argued that such second confession was not really a conviction, for it showed that the penitent was not incorrigible and should be admitted to mercy.[4] Such cases must have been exceedingly rare, but we have seen one in that of Ursule de la Croix (Vol. II, p. 572) where, it will be remembered, a third self-denunciation was visited with the stake.

Moriscos enjoyed a special exception. The wholesale enforced conversion of the Moors of Castile in 1502 and of the kingdoms of Aragon in 1525, filled the land with nominal Christians, whose baptism served no other purpose than subjecting them to the Inquisition. They were largely vassals of nobles, to whom their services were indispensable, and to subject whole populations to the penalties of a relapse which was inevitable was a prospect

[1] Archivo de Simancas, Inq., Lib. 933.

[2] Simancæ *loc. cit.*, n. 4.

[3] Instrucciones de 1561, § 41 (Arguello, fol. 33).

[4] Elucidationes S. Officii, § 23 (Archivo de Alcalá, Hacienda, Leg. 544[3], Lib. 4).—Alphonsi de Castro de justa Hæret. Punitione Lib. II, cap. 2.—Bibl. nacional, MSS. V, 377, Cap. ix, § 1.

that might well stagger the statesman if not the churchman. In the unsparing rigor of the canon law, escape from this was to be sought only in Rome and, in March, 1510, Ferdinand asked for a bull enabling the converts to avoid the penalties of relapse.[1] The request was doubtless granted and was followed by numerous papal briefs, issued during the remainder of the century, which bore the shape of empowering the inquisitors-general to appoint confessors with power to absolve Morisco penitents with secret absolution and penance, even if they had relapsed repeatedly, or to proclaim terms of grace, during which absolution could be had irrespective of relapse, together with other devices, the futility of all which we shall see hereafter.[2]

This was but one of the many attempts to solve the increasing difficulties of the Morisco problem, and its only relation to the general policy of the Inquisition is to prove how easily, when sufficient motive existed, the unsparing cruelty of the canon law could be set aside. Under that law, we can readily conceive how large a portion of the executions were due to relapse. Details are lacking as to the earlier period of activity, but the later records are sufficient to indicate how efficient an agent it was in procuring victims. In the great Madrid auto of 1680, there were eighteen Judaizers relaxed in person, of whom ten were for relapse, six for pertinacity and two for denial or imperfect confession.[3] In the terrible Mallorquin autos of 1691, all the relaxed—thirty-eight in person and seven in effigy—were condemned for relapse, having been reconciled in 1679, and of these only three were burnt alive as pertinacious.[4] At the Granada auto of January 31, 1723, of the eleven Judaizers relaxed, all were relapsed; at that of Cordova, April 23, 1724, seven out of eight were relapsed, and the same was the case with all of the six relaxed in the Cuenca auto of July 23, 1724.[5] In these last three autos only one person was pertinacious; the rest all professed contrition and conversion and would have escaped with reconciliation instead of strangulation had it not been for the rigor in the treatment of relapse.

A case already alluded to exemplifies this and is worth relating

[1] Archivo de Simancas, Inq., Lib. 3, fol. 72.

[2] Ibidem, Lib. 926, fol. 49, 53, 57, 63, 67.—Bulario de la Orden de Santiago, Lib. II, fol. 79; Lib. III, fol. 88, 109.—Archivo de Alcalá, Hacienda, Leg. 1049.

[3] Olmo, Relacion del Auto, pp. 252-62.

[4] Garau, La Fee triunfante, pp. 65–112.

[5] Royal Library of Berlin, Qt. 9548.

in some detail, if only for its psychological interest. Fray Joseph Díaz Pimiento was born in Cuba, of Old Christian parents, in 1687. He was bred to the Church and his life was an example of the licence pervading the colonies. He drifted around the shores of the Caribbean, involved in all kinds of disreputable adventures. In Mexico, he forged a certificate of baptism in order to obtain ordination under age. In the Dutch colony of Curaçoa, he professed conversion to Judaism and was circumcised, in the hope of getting a few hundred dollars from the Jews. After incredible hardships he fell into the hands of the Inquisition of Cartagena de las Indias, where he recanted, was reconciled and was sent to Spain for reclusion in a convent. While confined in the episcopal prison he broke gaol, but was captured at Xeres, and was put in a convent, heavily fettered, where he endeavored to get assistance from some New Christians who were under suspicion, but in this he failed, although to excite their compassion, he wrote to the commissioner of the Inquisition that he was a Jew. Then again he escaped and fled to Lisbon, where he worked for a Dutch ship-master, who promised to carry him to Holland, whence he could sail for Jamaica. Then a sudden impulse took possession of him, which carried him to Seville, where he presented himself to the Inquisition. At first he professed to be a Christian but, after a few days, he told the alcaide that he was a Jew, and in this he persisted, stubbornly refusing to make defence. Necessarily, as a relapsed, he was condemned to relaxation in the auto of July 25, 1720, and, during the three days prior to the auto, all the learning and piety of Seville were enlisted in his conversion, while prayers for his soul were put up in all the churches. Then came another revulsion and, after two days, he announced that the grace of God had touched him, and that he was a Christian. But for his relapse, this would have saved him; as it was, it only obtained for him preliminary strangulation and this he sought to reject for, at the stake, he begged to be burnt alive in order to prove that his conversion was the result of conviction and not of fear. This could not be permitted, and the deputy assistente sentenced him to be garrotted and burnt, and his ashes scattered as usual. The pile was fired at 5 P.M.; it took until day-break to reduce the body to ashes, and it was observed that the customary stench was absent. Then the Hermandad de la Caridad asked to have the ashes to give them Christian burial, as he had died a Christian, but the assistente refused and ordered them to be

scattered over the fields, in obedience to the royal pragmáticas and apostolical constitutions—all of which, we are told, was done, to the great honor of the holy Catholic faith.[1]

Yet, notwithstanding the canons that prohibited mercy to the relapsed and withheld, even from the inquisitor-general, the power to pardon, cases, as has been stated above (p. 148), are not infrequent, in which the relapsed were admitted to a second reconciliation. Even as early as 1486, we hear of Micer Gonzalo de Santa María, of the great converso family of Burgos, who was thrice penanced by the Inquisition and who finally died, not at the stake, but in gaol, under a sentence of perpetual prison.[2] Some scattering cases of penances subsequent to reconciliation occur at Barcelona between 1491 and 1502, mingled with others in which the full penalty of relaxation was inflicted, though no reasons are alleged for the distinction.[3] In 1511, at Cuenca, Leonor and Juana Rodríguez who had been reconciled in time of Grace, were reconciled again for fresh delinquencies.[4] In the later period, instances of the same benignity occur more frequently, although accompanied with punishment severe enough to show that the trivial evidence required to prove persistency was far exceeded. Thus, in the Toledo auto of December 27, 1654, Gaspar de los Reyes was sentenced, as a relapsed observer of the Law of Moses, to abjure *de vehementi*, to six years of galleys and a fine of a thousand ducats, while his wife, Isabel Rodríguez, and his mother, María López, both relapsed, had the same sentence, save that exile replaced the galleys and the fine was six hundred ducats each. A more unusual case was that of Manuel Rodríguez Moreira, who was relaxed for relapse in the Toledo auto of September 8, 1704, after rejecting an offer of mercy. There is even an instance, December 8, 1681, of a sentence of reconciliation, *citra pœnam relapsi*—without the punishment of relapse—but this is explained by the tender age of the culprit, Diego de Castro, who was but ten years old.[5]

Remembering the prudent intimation given to inquisitors that sometimes fines were more productive than confiscation, the heavy

[1] MSS. del Archivo Municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tom. 4, n. 54.—Bibl. nacional, MSS., R, 128.

[2] Libro Verde de Aragon (Revista de España, CVI, 254).

[3] Carbonell, *op. cit.* (Col. de Doc. de la C. de Aragon, XXVIII, 62, 141, 152).

[4] Proceso contra Fray Luis de Leon (Col. de Doc. inéd, X, 158–61).

[5] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

mulcts inflicted on the relapsed who were admitted to mercy, suggest that possibly there may have been financial reasons, in special cases, for benignity. We have seen the number of executions for relapse in the Mallorquin autos of 1691. Besides these there were twenty-two cases of those who had been reconciled in 1679 who were not relaxed but penanced in various ways, including fines ranging from one to five hundred libras, and aggregating in all sixty-five hundred libras.[1] It is difficult not to recognize in this a speculative exercise of rigor or mercy.

As the eighteenth century wore on, it would seem that the canonical penalty of relaxation came to be enforced only on the relapsed who were pertinacious, or refused to confess and beg for mercy. In the Valladolid auto of June 13, 1745, there are three illustrative cases. Luis de la Vega, who had been reconciled in 1701, was relaxed as an impenitent relapsed, who persisted in denying his guilt. Miguel Gutiérrez, reconciled in 1699, and Franciso García, reconciled in 1706, were admitted again to reconciliation, with irremissible prison and sanbenito, ten years of galleys and two hundred lashes—a somewhat doubtful mercy but, if the sentence was justifiable, the offence unquestionably under the canons, called for relaxation.[2]

It was only in formal heresy that relapse entailed relaxation for, as we have seen, the stake was reserved for heretics. Where heresy was merely inferential, as in bigamy, blasphemy, solicitation in the confessional, reading prohibited books, and other offences reserved to the Inquisition, relapse was treated only as an aggravation, to be punished with such additional severity as the circumstances might indicate. Even relapse in the crime of administering the sacraments without being in orders, which the Roman Inquisition treated as the equivalent of heresy, was visited in Spain only with the ordinary penalties in somewhat rigorous measure. Thus Juan Vicente Esquirel y Morales—a man with a number of aliases who had been a foot-soldier—was penanced for this offence at Granada in 1727. He persisted in his evil courses and, in the Córdova auto of March 4, 1731, he was forbidden to wear clerical garments and was sentenced to two hundred lashes and ten years of galleys.[3]

[1] Garau, La Fee Triunfante, pp. 39–42, 114–22.

[2] Royal Library of Berlin, Qt., 9548.

[3] Elucidationes S. Officii, § 19 (Archivo de Alcalá, Hacienda, Leg. 544,[2] Lib. 4). —Matute y Luquin, Autos de Fe de Córdova, p. 270.

The latter half of the eighteenth century witnessed the gradual disappearance of relaxation. Llorente tells us that during the reign of Carlos III (1759–1788) he has found accounts of only ten autos de fe, in which there were but four cases.[1] Probably the latest instance was that of Isabel María Herraiz, an impostor known as the *Beata de Cuenca*, who died in prison without confession and, being thus unable to recant and beg mercy, was burnt in effigy in 1802.[2] When it came to relaxing a living fellow-creature, however, the Inquisition by this time was honestly desirous of escaping the necessity. Padre Miguel Sorano, cura of Esco in Aragon, was an unmanageable heretic, who discarded tradition and the fathers and held that Scripture was the sole authority; purgatory and limbo were human inventions; fees for masses were simony; tithes were a fraud; the pope was not the vicar of Christ and his decretals were mere devices to raise money. All this he embodied in a book which he audaciously submitted to his bishop and other theologians. Tried by the Saragossa tribunal, he was pertinaciously impenitent, impervious alike to argument and threats, and there was no alternative but to vote for relaxation. Then the Suprema ordered fresh testimony to be sought and renewed efforts at conversion, but all proved fruitless and again relaxation was voted. As a last resource the Suprema ordered an investigation into his sanity. All the population of the vicinage was examined, and one doctor was found to say that some years before he had been dangerously sick, which might have affected his brain, and since then he had talked freely of these heretical doctrines. Taking advantage of this, renewed efforts were made to convert him without coming to a vote. While this was in progress he was attacked with mortal illness and, at the end of twenty days, he was told that the end was near. He merely said that he was in the hands of God; he refused all the consolations of religion and passed away unrepentant in 1805, to be buried in unconsecrated ground, when the Suprema ordered the case to be closed, without proceeding to conviction and burning in effigy.[3] We shall see that twenty years later the episcopal Inquisition was less merciful.

[1] Llorente, Hist. crít., Cap. xlii, Art. i. n. 14.
[2] Ibidem, Cap. xliii, Art. iv, n. 1.
[3] Ibidem, Cap. xliii, Art. iv, n. 4.

CHAPTER V.

THE AUTO DE FE.

THE Act of Faith—the Auto de Fe—was the name by which the Spanish Holy Office dignified the *Sermo* of the Old Inquisition. In its full development it was an elaborate public solemnity, carefully devised to inspire awe for the mysterious authority of the Inquisition, and to impress the population with a wholesome abhorrence of heresy, by representing in so far as it could the tremendous drama of the Day of Judgement.[1] It was regarded as an eminently pious duty. Ferdinand, in 1499, congratulating the inquisitors of Saragossa on the reports of their autos, and the consequent edification of the people, exhorts them to continue to serve God and to discharge their consciences and his. In a similar mood Cardinal Adrian, in 1517, urged the tribunal of Sicily to celebrate one as early as possible for, besides the service to God, it would greatly edify the people.[2] The old designation of Sermo was derived from the sermon with which the proceedings commenced—originally preached by one of the inquisitors, but subsequently by some eloquent fraile, who dilated on the supreme importance of preserving the faith in its purity and of exterminating heresy and heretics. To insure a large attendance, an indulgence, usually of forty days, was granted to all present at the pious work.

At the height of its power the Inquisition spared no labor or expense to lend impressiveness to the *auto publico general*, as a demonstration of its authority and of the success with which it performed its functions. In the earlier and busier period, the exhibition was simpler, and confined to the practical work in hand. Thus in the first one celebrated in Toledo, August 16, 1486, the victims were marched on foot to the plaza, their hands tied with ropes across the breast, wearing sanbenitos of yellow linen with their names and the inscription "herege condenado," and bearing

[1] Páramo, p. 597.

[2] Archivo de Simancas, Inq. Lib. I: Lib. 933, p. 551.

mitres on their heads. In the plaza they were ranged in tiers on a staging, while the inquisitors and their officials occupied another staging opposite. The sentence of each one was read and, although the culprits were numerous, the affair, commencing at 6 A.M., was over by noon, when the convicts were carried to the *brasero* or *quemadero* for burning. Apparently the exhibition consisted only of those condemned to the stake, to the exclusion of the reconciled or otherwise penanced.[1] The autos of the period, moreover, were not confined to the seats of the tribunals. We hear of them in the smaller towns, and, from a letter of Ferdinand, November 21, 1498, it appears that the convicts were distributed to their several bishoprics where the celebration and execution, though on a minor scale, would bring the terror of the Inquisition and the danger of heresy more directly home to the people.[2] By 1515, however, we may assume that they were centralized in the tribunal cities, for a royal cédula of that year orders the tribunal of Murcia to confine its autos to the city of Murcia and not to celebrate them in Orihuela.[3] It was evidently desired to render them more impressive, and this was further accomplished, about the same time, by requiring all penitents to appear in them for, in 1517, we find the Suprema instructing the tribunal of Navarre that, in future, abjurations *de levi* were not to be made privately, but in the public autos, which were to be celebrated with all solemnity.[4] There was cruelty in this, for appearance in an auto was in itself a severe punishment, and we shall see that subsequently *autos particulares*, or private autos, were instituted which enabled those guilty of lighter offences to escape without public humiliation.

Thus far autos were held at the discretion of the tribunals, which celebrated them whenever there was an accumulation of finished trials requiring relief to the prisons. A consulta de fe would be assembled, the sentences would be agreed upon, and a day would be appointed. It probably was not often that any external interference was apprehended, as at Cuenca, in 1520, where the tribunal had so excited popular passion by arresting the deputy corregidor, in some collision of jurisdictions, that it was obliged to procure a royal cédula instructing the corregidor

[1] Relacion de la Inquisicion Toledana (Boletin, IX, 300).
[2] Archivo de Simancas, Inq., Lib. I.
[3] Ibidem, Lib. 979, fol. 38.
[4] Ibidem, Lib. 72, fol. 73.

not to permit the inquisitors to be impeded in the performance of their functions.[1] Gradually, however, in this, as in so much else, the Suprema assumed control. A commencement of this is seen, in 1537, when it ordered that, whenever an auto was proposed, it should be apprised before any one else, but even the Instructions of 1561 leave as yet the determination with the tribunals.[2] It could not have been long after this, however, that the permission of the Suprema became requisite for, in 1585, we find the Inquisitor of Cuenca, Ximenes de Reynoso, writing, September 3d, for a decision of certain cases, and for authority to hold an auto, as there were thirty penitents, many of whom being poor were a charge on the fisc. The Suprema delayed its answer and, on October 14th, Reynoso sent a special courier, asking the reply to be returned by him; the auto was necessary for the benefit of the sick prisoners, as there was a pestilence raging, and also for the relief of the treasury; it was only by special entreaty that the receiver had paid the expenses of the last month, saying that there were no funds. This brought a speedy answer, with the desired permission.[3] Finally, the customary routine was for the tribunal to send a list of the cases in readiness and to ask for licence to hold an auto; if the Suprema approved, it ordered the auto to be celebrated without delay. Apparently in the active work of the eighteenth century there was an effort to regain control of the matter, for a carta acordada of June 5, 1720, orders that no auto be held without advising the Suprema and awaiting its commands.[4]

As public autos became less frequent, they lost the simplicity of the earlier period and grew to be imposing demonstrations of the authority of the Inquisition. Possession was taken of the principal square of the city, and two vast stagings were erected, one for the penitents and their ghostly attendants, and the other for the inquisitors with their officials and all the ecclesiastical and secular authorities, while the windows of the surrounding houses were filled with the notables of the place and their families. The participation of prelate and magistrate, in the processions and spectacle, was compulsory, for though, as a rule, they were proud to take their places, causes of quarrel were too frequent and bitter

[1] Archivo de Simancas, Inq., Lib. 4, fol. 9; Lib. 5, fol. 24, 29.
[2] Ibidem, Lib. 939, fol. 121.—Instrucciones de 1561, § 77 (Arguello, fol. 37).
[3] Archivo de Simancas, Inq., Leg. 1157, fol. 154, 155.
[4] MSS. of Royal Library of Copenhagen, 213 fol., p. 126.

not occasionally to render them unwilling thus to do honor to their imperious adversaries. In 1486, the local authorities of Valencia absented themselves from an auto and, when this was reported to Ferdinand, he rebuked them and ordered them in future always to be present, for nothing was so important as the service of God.[1] Similar commands had to be repeated not infrequently. About 1580, a royal cédula to the viceroy and officials of Majorca instructs them to lend the weight of their authority to the Inquisition, by accompanying the inquisitors in the procession to the staging, and then conducting them back to their palace. In 1588, the President of the Royal Council of Castile issued a general order to all the judges of the royal courts to march in the processions and, in 1598, the inquisitors were empowered to compel by excommunication the attendance of all public officials.[2]

The staging, on great occasions, was elaborate and costly, and the question of defraying the expense was variously decided. In 1553, we find the Suprema settling it, in Cuenca, by requiring the city to erect it, as was customary in Toledo. These two cities and Madrid remained charged with it, but elsewhere it was paid by the tribunals. At the great Madrid auto of 1632, Philip IV ordered the city to construct the staging in conformity with plans drawn by his chief architect, and the same course was followed in that of 1680, where we have long details of the complicated structure erected under the superintendence of commissioners of high rank, who esteemed the duty to be an honor.[3]

It was essential that both inquisitors should be present, and a single inquisitor was forbidden to celebrate a public auto in the absence of his colleague. The day selected must be a feast-day—ordinarily a Sunday—in order to insure a larger attendance. It sometimes chanced, however, in the eccentricities of spiritual jurisdiction, that the city lay under an interdict on the day appointed and, in such case, the Inquisition had to yield. In 1582 the Suprema instructed the tribunals that, when this occurred, they should endeavor to have the interdict lifted for the occasion, but, if those who had cast it refused, the inquisitors must not assume

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 91.

[2] Archivo de Simancas, Inq., Lib. 10, fol. 2; Lib. 926, fol. 326–50; Lib. 937, fol. 222; Lib. 939, fol. 126—MSS. of Royal Library of Copenhagen, 213 fol., p. 126.

[3] Archivo de Simancas, Inq., Lib. 939, fol. 123.—Archivo de Alcalá, Hacienda, Leg. 473.—Juan Gómez de Mora, Auto de la Fé celebrado en Madrid este año de 1632, §§ 4, 5.—Olmo, Relacion del Auto, pp. 30–44.

to lift it of their own authority, and must postpone the auto or do the best they could.[1]

In all other respects the inquisitors were masters of the situation. Repeated royal cédulas, commencing in 1523, addressed to the authorities of the cities, made the inquisitors virtual rulers for the time. They were authorized to erect stagings in the public plazas, to regulate the police arrangements of the towns, and even to assign to the secular and clerical officials such seats and precedence as they saw fit. The climax would appear to be reached when Philip II empowered them to distribute at their will the windows of the private houses overlooking the scene. Against this, in 1595, the president and judges of the Audiencia of Granada protested, begging that house-owners should be allowed to rent their windows, and pointing out the hardship of a gentleman of high degree securing the use of a window for his family, and being turned out because the inquisitors chose to give it to a notary for the use of his wife. Philip, however, held good, except in so far that he gave the inquisitors instructions to have special consideration for the houses of the judges and alcaldes.[2] How the tribunals exercised the police power thus conferred on them is exemplified in the Seville auto of September 24, 1559, when they forbade any one, between the preceding midnight and the close of the solemnity, to carry arms or ride on horseback in the city, under penalty, for common folk, of a hundred lashes, and for gentlemen, of forfeiture of the horse or mule, thirty days of prison, and a fine of fifty thousand maravedís.[3]

Numerous relations are extant, in print and in MS., of the great *autos publicos generales*, giving in more or less detail the elaborate ceremonial which developed itself, in the effort to render impressive these crowning manifestations of the piety that regarded, as the highest service to God, the extermination of those who persisted in worshipping him according to their own consciences. These show that fashions varied somewhat with time and place; they give the point of view of the spectator, and we may preferably take as our guide a memoir of the seventeenth century showing the internal machinery, according to the custom of Toledo,

[1] Archivo de Simancas, Inq., Lib. 939, fol. 123.
[2] Ibidem, Lib. 926, fol. 313–25.
[3] Ibidem, Hacienda, Leg. 25.

drawn up for the instruction of succeeding inquisitors.[1] The minuteness of the rules prescribed shows what importance was attached to rendering the spectacle imposing and to making manifest the subordination of the civil power, while the care taken to designate the exact place of every man or body of men indicates how fruitless was the authority granted to the tribunal in these matters to prevent the inveterate quarrels as to precedence. At the great Madrid auto of 1632, the Franciscans, indignant at the position assigned to them in the procession, after lively altercation, retired sullenly to their convent, for which the Suprema prosecuted them. These undignified squabbles were so much a matter of course that our author, in describing the report to be made to the Suprema, assumes that a place must be reserved in it for them, and for the reasons which governed the tribunal in its decisions.

When cases sufficient for an auto have accumulated, the tribunal reports them to the Suprema, which orders it to be held. Then the inquisitors determine on a feast-day, which should be at least a month off, in order to give sufficient time for the preparations. Word is then sent to the corregidor and the dean of the cathedral chapter to convene their respective bodies at nine o'clock the next morning, to receive a communication from the Inquisition and, at the appointed hour, some of the higher officials, with familiars, announce to them and to the bishop the expected celebration. Then in due time mounted familiars and notaries, with drums and trumpets and clarions and the standard of the Inquisition, move in procession through the streets, and at stated places a bell-man rings a bell and the town crier proclaims "Know all dwellers in this city that the Holy Office of the Inquisition, for the glory and honor of God and the exaltation of our holy Catholic faith, will celebrate a public auto de fe at such a place on such a day."

No time is lost in making preparation. Commissioners are appointed for the erection and ornamentation of the staging, and wax is provided for the candles in the procession of the Green Cross on the evening before the auto. All the Mendicant Orders and the parish churches are invited to take part in the procession and the auto. Letters of convocation are despatched, summoning all familiars, notaries, commissioners, consultores and calificadores of the district, under penalties and censures, to come on the day

[1] Archivo de Alcalá, Hacienda, Leg. 473.

previous to the procession of the Green Cross.[1] The frailes, who are to assist the condemned during their last night on earth, are selected and notified. *Corozas* (conical mitres, about three quarters of an ell in height) are ordered, with flames for those who are to be relaxed, and in the ordinary form for bigamists, sorcerers and false-witnesses; also sanbenitos with flames for the relaxed, with two aspas for the reconciled, and with one aspa, behind and before, for those abjuring *de vehementi;* also halters for the relaxed and for those to be scourged. If there are effigies, they are made half length, to be carried on poles by porters; if there are bones, the boxes containing them are black, to be placed at the foot of those to which they belong; the effigies wear mitres with flames, and sanbenitos with flames on one side and, on the other, the name, residence and crime of the culprit.[2] Green crosses are also provided to be carried by the relaxed, yellow wax candles for the penitents and bundles of osiers for the reconciliation ceremonies. There must also be a box for carrying the sentences, of crimson velvet with gold fringe and a gilt lock and key, while a list of the relaxed and the effigies is given to the magistrates, so that they may have the sentences ready. Besides these there is the large green cross to be borne by the Dominican prior, and the white cross by the mayordomo of the Cofradia, in the procession of the preceding evening. The standard to be carried by the fiscal is to be made of crimson damask, richly embroidered on one side with the royal arms, a green cross rising from the crown, and the

[1] In the Logroño auto of November 7, 1610, there marched in the procession a thousand familiars, commissioners and notaries. In that of Barcelona, June 21, 1627, there were five or six hundred familiars and alguaziles.—Auto de fe celebrado in Logroño, 7 y 8 de Noviembre, 1610 (Logroño, 1610).—Parets, Sucesos de Cataluña (Mem. hist. español, XX, 20).

[2] In the early autos, where there were large numbers of the dead and absent, an economical though somewhat grotesque device was that of *statuæ duplicatæ*—effigies with Janus faces, one before and the other behind. At Barcelona, January 25, 1488, there were five married couples thus represented by five effigies and, on May 23d, of the same year, twenty effigies were made to do duty for forty-two fugitives, while, on February 9, 1489, ten effigies served for thirty-nine absentees.—Carbonell, *op. cit.* (Col. de Doc. de la C. de Aragon, XXVIII, 13, 15, 30).

As regards the corozas or mitres, the Roman Inquisition, with a finer sense of what was fitting, forbade their use in 1596, as derogatory to the episcopal dignity, which was distinguished by the use of mitres.—Decr. S. Congr. Sti Officii, p. 458 (Bibl. del R. Archivo di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3).

sword and olive-branch to right and left, on the other side a shield with arms of San Pedro Martir; the staff is to be gilt, ending in a cross, with pendant cords bearing gold and silver tassels. Elaborate trappings are to be provided for the mules ridden by the officials, and silver-plated batons for the familiars who marshal the procession. The parish church usually supplies the carpets, hangings, and other adornments of the staging, and the singers for the evening procession and the reconciliation ceremonies. Then the preacher is appointed—usually a Dominican calificador—though in Galicia a bishop is generally selected and, in Madrid, the royal confessor. The day before the auto, the altar on the staging is decorated, and torches and candles are arranged around the place where the green cross is to be set. The inquisitors assign all the windows overlooking the plaza; they order that no coaches shall traverse the streets, and decide where the barriers are to be erected; the municipal authorities surrender the city to them and do whatever they require.

In the evening preceding the auto, the procession of the Green Cross takes place—a solemn affair in which the standard is borne by a crowd of familiars and gentlemen; the white cross follows with the religious Orders, the cross of the parish church with its clergy, the Green Cross carried by the Dominican prior and his frailes with torches and chanting the Miserere. The procession winds through the designated streets to the plaza, where the Green Cross is planted above the altar and is guarded by Dominicans during the night. The white cross is carried on to the brasero, where it is guarded by a body, existing in some cities, known as the soldiers of the Zarza, whose function is to guard the brasero and plaza and to furnish the wood for the burning.[1] The Inquisition itself is guarded during the night by soldiers who, before day-break, arouse the officials by beat of drum. Within the building, the sanbenitos and insignia are arranged in order and porters are assembled in readiness to carry the effigies and bones and such penitents as have been disabled from walking. At 9 P.M. the senior inquisitor, with a secretary, visits those who are to be relaxed and informs them of their approaching fate; with each of them he leaves two frailes to guide them. If any of the pertinacious or negativos are converted, they are to be heard imme-

[1] The procession of the *cruz verde* was not universal. It was practised in Valladolid, Toledo, Murcia and probably some others.—Archivo de Simancas, Inq., Lib. 979, fol. 40.

diately and their confessions received, when the inquisitors with the Ordinary determine whether to admit them to reconciliation, and the same is done with those converted on the staging.

Before dawn mass is celebrated in the audience-chamber, and also at the altar of the Green Cross. By daylight breakfast is given to all who are to appear in the auto, and also to the frailes assigned to the relaxed.[1] They are not taken from their cells till the hour of forming the procession, when the penitents are ranged along the walls of the audience-chamber in the order of their marching; all are dressed in their sanbenitos with the requisite insignia.

The procession starts with the soldiers of the Zarza at its head; then the cross of the parish church, shrouded in black, with an acolyte who tolls a bell mournfully at intervals. Then come the penitents, one by one, each with a familiar on either side; first are the impostors, then personators of officials of the Inquisition, followed in order by blasphemers, bigamists, Judaizers, Protestants, the effigies and chests of bones and finally those to be relaxed, each with two frailes. Mounted officials follow, then familiars in pairs, the standard of the Inquisition, and finally the inquisitors bring up the rear. Thus the procession moves through the designated streets, filled with a densely packed crowd, kept off by railings, to the plaza, where the culprits are seated in the same order, the lightest offenders on the lowest benches.

The staging is provided with two pulpits, from which the sentences are read alternatively. Between them is a bench elevated on two steps, on which the penitents are brought successively, to sit with their faces to the tribunal and hear their sentences read; the bench is furnished with a rail, kindly provided for them to cling to, in case of fainting, for, with the exception of the relaxed, this is the first definite announcement to them of their fate. Below the seats of the tribunal there is a room handsomely fitted up for refreshments, to which the inquisitors, officials, municipal officers and clergy resort from time to time, and a similar one is provided

[1] The cost of these meals was scrutinized. In 1571 the Suprema ordered Logroño not to spend more than twelve ducats on the breakfast. A carta acordada of January 25, 1574, refers to the heavy expenses for collation and breakfast given to inquisitors and officials, confessors and penitents. In future they are to be confined to confessors and penitents; if the inquisitors and officials want meals it must be at their own expense, and evidence of this must accompany the reports of the autos.—Archivo de Simancas, Inq., Lib. 82, fol. 9; Lib. 942, fol. 39.

for the familiars and persons of note. To the former is brought any pertinacious convict who may be converted on the staging previous to hearing his sentence, and there an inquisitor and secretary take his confession, after which the inquisitors and Ordinary consider the case: if he is to be admitted to reconciliation he is sent back to the Inquisition in a coach or chair, or is replaced on the staging, to return with the rest of the penitents. If any culprit dies on the staging, if he is condemned to relaxation his sentence is read, and his body is delivered to the secular arm; if he is one of those to be reconciled, he is absolved and the parish church buries him in consecrated ground; if simply one penanced, he is absolved *ad cautelam* and the church buries him.

After the preaching of the sermon, a secretary mounts a pulpit and, in a loud voice, reads the customary oath, elaborately pledging all the officials and people present to obedience to the Holy Office, and to the active persecution of heretics and heresy, to which every one responds Amen! If the king is present, the senior inquisitor goes to his balcony and, on the cross and gospels, administers to him an oath to defend the faith, to persecute heretics and to show all necessary favor to the Inquisition.[1]

Then the sentences are read from the alternate pulpits, the alguazil mayor producing each culprit to hear his sentence. In this there must be no interruption, as all the sentences must be read, if it lasts till nightfall, for which torches and torch-bearers must

[1] The royal oath, taken by the young Carlos II, at the Madrid auto of 1680, with one hand on the cross and the other on the gospels, was as follows. The inquisitor-general said "Vuestra Magestad jura y promete por su fe y palabra real, que como verdadero y Catolico Rey, puesto par la mano de Dios, defenderá con todo su poder la Fe Catolica que tiene y cree la santa madre Iglesia Apostolica de Roma y la conservacion y aumento della, y que persiguirá y mandará perseguir á los Hereges y Apostatas contrarios della, y que mandará dar y dará el favor y ayuda necessario para el Santo Oficio de la Inquisicion y ministros dello, para que los hereges perturbadores de nuestra Religion Cristiana sean prendidos y castigados conforme á los derechos y sacros canones, sin que aya omision de parte de Vuestra Magestad ni excepcion de persona alguna de qualquier calidad que sea." To this the king replied "Assi lo juro y prometo por mi fee y palabra Real." (Olmo, Relacion del Auto, p. 125.) Such an oath was administered to the prince Don Carlos at the Valladolid auto of May 21, 1559 (Gachard, Don Carlos, I, 47); also to Philip II at that of October 8, 1559 (Cabrera, Vida de Felipe II, Lib. v, cap. 3); also to Philip III at that of Toledo, March 6, 1600 (MSS. of Library of University of Halle., Yc, 20, T. VIII), and to Philip IV at the Madrid auto of 1632 (Mora, Auto de la Fee, § 27).

be in readiness.[1] Although the sentences of the relaxed are left to the last, yet, if the auto is prolonged into the night they are introduced earlier, as it is essential that the burning should be executed in broad day-light. As these sentences are read, the effigies and chests of bones are ranged on one side of the stage, and the living convicts on the other. They are then delivered to the secular arm, and the judge who utters the sentences does so, either on the stage, or at the table of the secretaries or outside of the staging. If there is a *compañia de la Zarza*, it marches in squadron into the plaza, when the sentences are read, and the men discharge their arquebuses. They surround the condemned and march with them to the brasero, to protect them from the populace which, in some places, is accustomed to maltreat and even to kill them, against which the inquisitors give special instructions. The magistrates provide the asses on which they ride and the wood to burn them. The frailes in charge attend them to the last breath and exhaust all effort to bring about their repentance and conversion.

The public solemnities conclude with the ceremonies of abjuration and reconciliation, after which the alguazil mayor and familiars conduct the penitents back to the Inquisition, where they have supper and are locked up, three or four in a cell. The priests of the parish church remove the black veil from their cross and take it back, while the Dominicans bear the green cross to the Inquisition, singing psalms and escorted by the municipal officials. The next morning the reconciled have the terms of their sentences read over to them; they and the other penitents take the oath of secrecy, and they are conveyed by the alcaide to the penitential prison. At ten o'clock the alguazil mayor, with a secretary and familiars, all mounted, with the public executioner and town-crier, take out those sentenced to scourging and vergüenza, and the punishment is duly administered through the customary streets. On their return, those whose sentences include the galleys are furnished a certificate of their length of service and are transferred to the royal prison, and with this concludes the stately ceremony

[1] At the great Logroño auto of Nov. 7–8, 1610, where there were fifty-three culprits, including twenty-nine witches, the sentences were so long that the day was consumed with the eleven cases of relaxation. The second day was occupied from dawn till nightfall; some of the sentences had to be curtailed, and the reconciliations were performed after dark.—Auto de Fe de Logroño (Logroño, 1611; Madrid, 1820).

by which the Holy Office, at the height of its power, impressed its terror on the population.

The place of burning—the quemadero or brasero—as a rule was outside of the city. With this the tribunal had nothing to do, except that a secretary and alguazil were present to certify and report as to the execution of the sentences.[1] Consequently the documents of the Inquisition furnish no details, but some may be gleaned from a relation of the Madrid auto of 1632. For this occasion the city had constructed the brasero beyond the Puerta de Alcalá; as there were seven to be burnt, it was made fifty feet square, and had the requisite stakes with garrotes. The confusion and crowd were great, and so also was the fire, which lasted until eleven o'clock at night, by which time the bodies were reduced to ashes, so that the memory of the impious might vanish from the earth.[2] The scattering of the ashes over the fields, or into running water, was a prescription of old standing, to prevent disciples of heresiarchs from preserving fragments to be venerated as relics. This was not an easy matter, for the total calcination of a human skeleton requires a prolonged intensity of heat not likely to be maintained where wood was expensive, and the bones found with the cinders on the site of the old quemadero of Madrid, when, about 1868, the Calle de Carranza was cut through it, would indicate that part, at least, of the remains of the victims were allowed to lie where they had perished.

The *auto público general*, while looming large in popular imagination, represented, in truth, but a small part of inquisitorial activity. It was a solemnity on a grand scale, in which the Holy Office magnified its importance, but by far the greater number of cases were despatched in *autos particulares* or *autillos*, held in churches, or in the audience-chamber, or anywhere that circumstances might dictate. In the Toledo record, from 1575 to 1610, there are contained but twelve autos generales, in which three hundred and eighty-six culprits appeared, while seven hundred and eighty-six cases were settled in autos particulares.[3] As stated above, appearance in a public auto was, in itself, a severe punishment, and the sentence always specified whether the offender was

[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 221.
[2] Mora, Auto de la Fee de 1632, § 44.
[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

to be subjected to a humiliation entailing consequences on him and his family so greatly dreaded that, at a Toledo auto of December 13, 1627, Juan Nuñez Saravia, a wealthy Portuguese, vainly offered twelve thousand ducats to escape it.[1] The great majority of cases deserved no such severity. The jurisdiction of the Inquisition extended over a wide field; it was, in a certain sense, a *custos morum* and took cognizance of a vast number of comparatively trivial offences—careless speeches, blasphemies, propositions of all kinds, indecent writings and works of art, sorceries and conjurations more or less innocent and the like—which it disposed of without summoning the entire population as spectators. Clerical offenders, moreover, as we have seen, unless degraded for formal heresy, were shielded from the scandal of publicity in the audience chamber.

The *auto particular*, or private auto, was often celebrated in a church, to which the spiritual and civil authorities were not invited, but where such portion of the public as could find room were at liberty to be present. More frequently it was held in the *sala*, or audience-chamber, and here again there was a distinction, for the sentence defined whether it should be with open doors or closed and, in the former case, the bell was often tolled in order to invite a curious crowd of spectators. Even the apartments of the senior inquisitor were sometimes used in this manner, as when, March 23, 1680, three alguaziles of the corregidor of Toledo, for maltreating the purveyor of the tribunal, were sentenced in the apartments to various terms of exile. When nuns were the culprits, the *autillo* was customarily performed in their convent, as in the case, August 8, 1658, of Sor Josefa de Villegas, for superstitions and sorceries, who was sentenced to various penances, through the grating of the Augustinian nunnery of San Torquato, in presence of the nuns and, on February 13, 1685, Sor Dionisia de Rojas was sentenced in the choir of the Franciscan house of Santa Isabel, in the presence of the superior and four elderly sisters.[2]

As financial distress grew more and more acute, in the seventeenth century, the tribunals shrank from the heavy expenses attendant on the elaborate demonstrations of the great public autos which, however gratifying to their pride, bore too heavily

[1] Ant. Rodríguez Villa, La Corte y Monarquía de España, p. 238.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

upon their diminishing resources, exposed as they were to the royal exactions. In Barcelona, there would seem to have been no public auto between 1627 and the revolt of 1640; in Valladolid, none between 1644 and 1667. In Toledo one was held, after prolonged consideration, January 1, 1651, in which the number of culprits shows that it relieved the prisons of a long accumulation; it was the last public auto celebrated in Toledo, and there was none even in a church, between 1656 and 1677.[1] Seville appears to have been less hampered and celebrated public autos generales in 1631, 1643, 1648, 1656, and a most impressive one in 1660 at which less fortunate tribunals unloaded their convicts, for there were seven relaxations in person, twenty-seven in effigy and fifty-two penitents, but this appears to be the last of its kind there.[2]

In fact, the public auto would have been abandoned ere this, but for the rule that judgements of blood must not be rendered in churches. As early as 1568 the Suprema had decreed that, when there was a relaxation, the auto must be held in the plaza and not in a church, which was in accordance with the ancient authorities.[3] When the public autos became an onerous burden, we can imagine that this led to hesitation in pronouncing death-sentences for, when this was unavoidable, the convict became a troublesome personage. A suggestive case was that of Juan López, condemned to relaxation for Judaism, at Valladolid, in 1633; after he lay in prison for thirty months with no prospect of getting rid of him, the Suprema ordered him to be tortured and another vote to be taken, which resulted, September 1, 1637, in a revised sentence of reconciliation, with severe punishments.[4] A device less damaging to the purity of faith was to transfer a convict from one tribunal to another for execution. Thus when, at Valencia, the Morisco Gerónimo Buenaventura was condemned for pertinacity, there was no auto in which to execute the sentence. On November 19, 1635, the Suprema ordered him to be sent to Valladolid, appar-

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.—Archivo de Simancas, Gracia y Justicia, Inq., Leg. 621, fol. 171.

[2] Relacion histórica de la Judería de Sevilla, pp. 85 sqq. (Sevilla, 1849).

[3] Archivo de Simancas, Inq., Lib. 937, fol. 123.—A commentator on this cites Azpilcueta and Peña to prove that in Rome autos that included relaxations were held in churches and also that, in 1611, at Cuenca an auto comprehending four relaxations was held in a church by order of the Suprema.—Bibl. nacional, MSS., V, 377, Cap. iii, § 2.

[4] Archivo de Simancas, Inq., Leg. 552, fol. 17, 22, 23.

ently under the impression that he could be burnt there but, after two years, Valladolid reported that it had no public auto in which to despatch him, so, in 1638 the Suprema ordered his transfer to Saragossa.[1] Whether he met a speedy death there we have no means of knowing, but there is something peculiarly revolting in thus sending a poor wretch from one corner of Spain to another, in order to find some place in which to burn him economically.

When any tribunal managed to celebrate a public auto, it was utilized to disembarrass the others. Thus the Toledo auto of 1651 had effigies contributed by Cuenca, Córdova and Seville. In 1655 Santiago celebrated a public auto, to which Valladolid sent for relaxation one living person and four effigies, two of the latter having been kept waiting since 1644 and 1648. The consulta de fe of Mucria, on July 18, 1658, voted to relax nine fugitive Judaizers of Beas, but the formal sentence was delayed until December 5, 1659, in preparation for the great public auto at Seville, April 13, 1660, when the effigies were duly cremated.[2] The imposing Madrid auto of 1680—the last of its kind—was a general gaol delivery to which all the tribunals contributed their embarrassing convicts.

There was no prospect of an improvement in the situation, although it was supremely humiliating to the Inquisition that it could not afford to burn those whom it condemned, promptly and on the scene of their transgressions, under the alternative of exercising a compulsory mercy. Some relief must be found, and a partial attempt was made, in a carta acordada of September 4, 1657, permitting effigies to be relaxed at autos particulares in churches. Toledo promptly availed itself of this by relaxing, December 9th, eight effigies of fugitives in such an auto,[3] but the other tribunals seem to have discountenanced the device. The further step, of overthrowing the traditional prohibition of uttering sentences of blood in churches, appears to have been under consideration in 1664, when the Suprema called on the tribunals for information as to relaxations in person or in effigy in autos particulares. In reply, Valencia reported that the sentence of Gaspar López, to be relaxed in effigy, voted in 1641, had never been published, for lack of an auto, although the corresponding sentence of

[1] Archivo de Simancas, *loc. cit.*

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.—Archivo de Simancas, Inq., Leg. 552, fol. 40.—Proceso contra Diego Rodríguez Silba, fol. 32–4 (MS. *penes me*).

[3] Archivo de Simancas, Inq., Lib. 42, fol. 289.—Archivo hist. nacional, *ubi sup.*

confiscation had been executed—which the Suprema pronounced to be highly irregular.[1]

It required time to familiarise the conscience with so revolutionary a measure, and the project slumbered for a quarter of a century, but the pressure to escape the burden of public autos increased, and the Suprema finally conquered its scruples. A carta acordada, of September 23, 1689, pointed out that, in view of the diminished resources from confiscations and of the increased cost of celebrating these public functions with due solemnity, they were avoided as far as possible, and it was no longer practicable to reserve for them the relaxed, whose numbers unfortunately were daily increasing. They had to be fed while lying forgotten in their cells, after their cases were finished; even the expense of transferring them from one tribunal to another was considerable, and it was kindly added that there was risk to their souls in detaining them so long while in ignorance of their fate. Weighing all this and, in view of the fact that there were cases of relaxation in churches both before and after the Instructions of 1561, and that the Council of Constance, sitting in the cathedral, had condemned Jerome of Prague, the Suprema reached the conclusion that judgement of relaxation could be rendered in churches, provided the sentence of the civil magistrate was uttered outside. The tribunals were therefore instructed that they could relieve themselves of their convicts in autos particulares in churches, delivering them to the secular arm outside of the sacred limits. To such autos the civic and cathedral chapters were not to be invited, and the rule as to time was to be observed, so that the burning could be performed by daylight.[2]

Against this there arose a protest on the part of the secular magistrates, who felt slighted at not being invited and having seats allotted to them. To meet this, the Suprema, April 7, 1690, addressed to the king a consulta deploring the impossibility of celebrating the autos with the ceremonial and impressiveness of old. But great numbers of those deserving relaxation had accumulated in most of the tribunals; there were not funds to maintain

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 1, fol. 220, 230, 240.

[2] Archivo de Simancas, Lib. 42, fol, 239. Whether through design or carelessness, this was not sent to the Valencia tribunal until October 14, 1699, when it was enclosed in a letter saying that as it had not been forwarded at the time it was now sent for their instruction.—Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 138.

them in prison, or to despatch them in general autos, and to bring them together would excite horror, as occurred in the auto of 1680. It therefore proposed that the secular officials be stationed outside of the church, where the convicts could be delivered to them, but this was not acceptable to the civil authorities and a compromise was effected, July 20th, designating the single official who was to represent the secular arm. The tribunal was to send him a message, appointing time and place; he was to be at the church door when the procession arrived; he was to follow the inquisitors, the fiscal and the Ordinary, and have a seat near them and, after the sentences of relaxation were pronounced, he was to leave the church for a place agreed upon, where the convicts were to be brought to him, when he sentenced them and executed the sentences.[1]

Thus came to an end the gorgeous general public autos in which, during its more prosperous days, the Inquisition had made so profound an impression on the imaginations of men. Thenceforth, no matter how many living beings and effigies were consigned to the quemadero, the ceremony was conducted within the sacred precincts of a church, in a simpler and more economical fashion. The great autos of Majorca, in 1691, in which so many unfortunates perished, were held in the church of San Domingo. Yet still there was elaboration of display. A writer, in 1724, giving an account of the autos celebrated in Seville since 1719, is vastly more concerned with enumerating the names of officials and familiars, with describing the ceremonial and dilating upon the crimson velvet chairs and cushions and canopies embroidered in gold and silver and the diamond badges worn by the functionaries, than with the real work of the tribunal, grim and cruel though it continued to be.[2]

These gauds might gratify the vanity of the Inquisitors, but the old attractiveness of the imposing public ceremonial had vanished. The population no longer poured in from all the surrounding district, camping out in the fields, in the vast crowds described with so much pride in the relations of the great autos. When we remember the thousand familiars and officials in Logroño, and the grandees who eagerly competed for positions of honor in the processions, we can estimate the change that compelled the complaint of the Seville tribunal, in 1729. It denounced the luke-

[1] Archivo de Simancas, Inq., Lib. 42, fol. 291, 308.

[2] Bibl. nacional, MSS., R, 128.

warmness of the familiars in accompanying its processions, whereby it was losing the respect of the people, and compared unfavorably with the public demonstrations of the Audiencia and civic authorities. It was with this object that the familiars had been so greatly increased in numbers and had been favored with so many privileges and exemptions. Besides the occasional autos, the tribunal made *salidas*, or processions, on five principal feasts of the year, and it ordered the Hermandad de San Pedro Martir to nominate eight familiars, from among whom it would select four, two to accompany it on the regular salidas and two for the autos, with threats of fine and imprisonment for neglect of duty.[1]

Yet it would not be safe to conclude from this that fanaticism was extinct. At the Llerena auto of June 25, 1752, there were six effigies of fugitives to be burnt and one of a dead woman with her bones. It had always been the custom to have these borne in the procession and to the brasero by carriers of the lowest class, drawn from the hospital for vagrants, who were paid for the service but, on this occasion, it chanced that none of these could be had. The inquisitors were greatly exercised and, as a last expedient, they represented to the Lieutenant-governor, Don Manuel de la Fuente y Dávila, that this was an exalted religious duty which the noblest might be proud to perform, and they offered that the officials of the Inquisition would carry the effigies to the church and then to the secular magistrate, if Don Manuel and other nobles would bear them thence to the brasero. Don Manuel assented and his example was followed by the Governor, the Marquis of Torre Mexia and other nobles; the officials were persuaded to do their share, and thus, we are told, the old custom, so derogatory to the sacredness of the function, was successfully discarded. The procession to the brasero was a triumphal march, to the sound of trumpets, with the escort of all the troops that could be assembled.[2]

Notwithstanding such occasional bursts of zeal, the glory of the Inquisition was rapidly departing and, with the extermination of the few remaining Judaizers, its functions continuously dwindled. In the Toledo tribunal, the last auto held in a church was on March 7, 1778, for a single penitent condemned to vergüenza for sorcery. After that, to the close of the century, it had but nine autillos, all held in the audience-chamber, sometimes with open

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).
[2] Ibidem.

and sometimes with closed doors, and in each of them there was but a single penitent. Five of the cases were for propositions, two for solicitation in the confessional, one for bigamy, and one for administering sacraments without priests' orders.[1] To this had shrunk the activity of a once prominent tribunal and with this shrinkage the power to impress the popular imagination with its imposing demonstrations.

There is one aspect of the auto de fe which reflects the intensity of Spanish fanaticism in a most suggestive manner. When the Spaniard regarded it as a celebration fitted for a day of rejoicing, or as a spectacular entertainment acceptable to distinguished national guests, he did so in the conviction that it was the highest exhibition of piety, and a service to God, glorious to the land which organized it, and stimulating the devotion of all participants. Probably no autos were celebrated in honor of Ferdinand and Isabella, for the stern and rapid work of the period scarce admitted of the pageantry requisite to adapt the spectacle to royal courtliness, and the Burgundian fashions had not superseded the ancient Castilian simplicity. None of their successors, however, of the House of Hapsburg, were without such a testimonial of pious loyalty. When, in 1528, Charles V passed through Valencia, there was celebrated in his honor an auto, in which there were thirteen men and women relaxed in person, besides ten in effigy.[2] In 1560, the Toledo tribunal contributed an auto, with several relaxations, to the joyous celebration of the marriage of Philip II with Isabelle de Valois, daughter of Henry II of France. It was a notable spectacle, for the royal wedding and the meeting of the Córtes to swear allegiance to the young Don Carlos brought to Toledo all that was most distinguished in Spain.[3] When, in February, 1564, Philip was in Barcelona for the Catalan Córtes, an auto was arranged in his honor, in which there were eight relaxations in person and numerous condemnations to the galleys. They were mostly Frenchmen whom Saint-Sulpice, the French ambassador, had vainly sought to protect.[4]

The accession of Philip III was celebrated by an auto at Toledo, March 6, 1600, in the presence of the king, his queen, Margarita

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[2] Danvila y Collado, Expulsion de los Moriscos, p 106.
[3] Llorente, Hist. crít., Cap. XXIV, Art. 1, n. 2.
[4] Gachard, Don Carlos et Philippe II, I, 106–7.

of Austria, the Duke of Lerma and all the court, where Philip took the oath to protect and favor the Holy Office. Toledo had but few culprits, as it had held an auto the year before, but a total of forty-six were accumulated by drawing upon Córdoba, Granada, Cuenca, Llerena, Valladolid and Seville. There were but two relaxations in effigy and one in person—the latter being a Huguenot named Jacques Pinzon, whom the Granada tribunal had been leisurely endeavoring to wean from his heresy for a couple of years. He was needed to complete the attraction at Toledo, and his trial was concluded so hurriedly that the Suprema ordered his transfer thither before it had received for confirmation the vote condemning him, so the sentence was made out in blank and sent after him for the Toledan inquisitors to sign. As he is characterized as pertinacious he was probably burnt alive.[1] The great auto of Madrid, in 1632, was held there by the special order of the king, in celebration of the recovery from confinement of Isabelle de Bourbon, wife of Philip IV, and was graced with the presence of both and of their son Don Carlos. There were thirty-seven penitents besides seven relaxations in person and two in effigy.[2] The revolted Catalans, who had given themselves to France, took the same means of honoring the Viceroy Condé, on the eve of his departure for Paris, by an auto celebrated November 7, 1647, in which there were two relaxations in person and two in effigy.[3] The ostensible purpose of the crowning glory at Madrid, June 30, 1680, which fitly ended the long series of *autos publicos generales*, was to honor the marriage of the young Carlos II with Louise Marie d'Orléans. There were sixty-seven penitents and fifty-one relaxations, of which nineteen were in person. A *compañia de la Zarza* was formed, numbering two hundred and fifty members, with Francisco de Salcedo as captain. On June 28th they were taken to the puerta de Alcalá, where each man was furnished with a fagot. Then they marched to the royal palace, where Salcedo took a fagot, specially prepared for the purpose, and handed it to the Duke of Pastrana, who carried it to the king. Carlos with his own hands bore it to his queen and exhibited it and then sent it back by Pastrana with the message that it should be taken in his name to the brasero and be the first that was thrown

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I; Tom. VIII.
[2] Moro, Auto de la Fee (Madrid, 1632).
[3] Parets, Sucesos de Cataluña (Mem. hist. español, XXIV, 297).

upon the fire.[1] The religious training of the young monarch had evidently not been neglected. It was an earnest of better things in store for Spain when, in 1701, Philip V refused to be present at an auto general proposed to be celebrated in honor of his accession, and the project was abandoned.[2]

We have thus considered the organization of the Inquisition and its general methods of action. It remains for us to examine the application of those methods to the various classes of offenders subjected to its extensive jurisdiction.

[1] Olmo, Relacion del Auto, p. 47.

[2] Llorente, Hist. crít. Cap. XL, Art. 1, n. 3.—Vicente de la Fuente, Hist. eclesiástica de España, III, 378.—"Preparose un *auto* de fe para obsequiar al Rey, pues habian llegado los *autos* á ser un obligado de todas las fiestas régias, como los toros y los fuegos artificiales. Felipe V se negó por primera vez á concurrir á ellos; mas adelante se le vio asistir á uno (1720)."

BOOK VIII.

SPHERES OF ACTION.

CHAPTER I.

JEWS.

As the apostasy of the enforced converts from Judaism was the proximate cause of the establishment of the Spanish Holy Office, so they continued to be almost the exclusive object of its energies, until the similar treatment of the Moors created, in the Moriscos, a class with even greater claims on its solicitude. The rooting out of the latter, however, in the early years of the seventeenth century, was so complete that they virtually disappeared from the records of the tribunals, while the Jewish New Christians remained, and, for more than another century provided the major portion of their more serious work.

It had been easy, since 1391, to compel baptism by the alternatives of exile or death, but it had never been deemed necessary to supplement this by instruction in the new faith, or by efforts to effect a real conversion.[1] When Ferdinand and Isabella were aroused to the fact that the Conversos were Christians only in name, terrorism was the sole method that suggested itself of accomplishing the great task of securing the desired unity of faith. So, when the expulsion of 1492, filled the land with a new multitude of neophytes, there was the same disregard of the duty of persuasion and instruction. The only utterances on the subject seem to assume that they would in some way instruct and fortify themselves in their new religion. When, in 1496, a royal pragmática forbade them for three years to farm the royal revenues, the reason alleged was that such occupation would distract them from obtaining due instruction in Christian doctrine. In 1499, the Suprema ordered that the Conversos anterior to 1492 should live scattered among Old Christians, while the recent ones should be separated from their rabbis, living by themselves in towns and strengthening their faith by punctual attendance on divine service.[1] It was not

[1] Amador de los Rios, Hist. de los Judíos, III, 381–3.

until 1500 that it bethought itself to provide that all the banished Jews who returned, claiming to be baptized, must exhibit certificates of baptism for themselves and their children; they must observe the feasts and attend mass and sermons, and all children, over six years of age, must, within six months, know the four prayers, the seven mortal sins and the confession of faith.[1] When the enforced conversion of the Moriscos created an even greater multitude of nominal Christians, there were a few equally ineffective instructions issued as to both classes, to which little attention was paid. The simplicity of belief in the adequacy of these measures was apparently grounded on faith in the effectiveness of the inquisitorial process, of which we have incidentally seen so many illustrations during the early period.

That confidence continued unabated, and the enforcement of uniformity in this fashion was followed energetically, with only such intermissions as might arise from the lack of accessible material, or from indolence in searching for it. Where there was zeal there was little scruple, as appears from a letter addressed, about 1540, by the tribunal of Llerena to all the inquisitors of Spain and Portugal. It had arrested twenty-one persons, in addition to three fugitives and two deceased, on suspicion—probably because they were on their way to Portugal—and it now asked to have all the registers of the Peninsula ransacked for evidence to justify their prosecution.[2] We have had occasion to see how slender was the proof required for this—the slightest adherence to any of the ancestral customs of Judaism, whether of religious significance or not, sufficed, and lists of these observances were carefully drawn up for the guidance of inquisitors. The more obvious, such as the avoidance of pork and lard, the removal of fat from meat, the observance of the Sabbath by changing linen, lighting lamps and abstaining from work, the killing of fowls by decollation, the keeping of stated fasts, eating meat in Lent and the like, were known of all men, and perpetual watch was kept by Old Christians on the households of Conversos, so that all such lapses were eagerly reported to the tribunals, as required by the Edicts of Faith. They furnished ample ground for suspicion, justifying arrest and trial, when inquisitorial methods insured that no lurking Judaic tendencies could escape detection.

[1] Archivo de Simancas, Inq., Lib. 939, fol. 108.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 389.

An illustrative case was that of Elvira del Campo, tried at Toledo in 1567. She was of converso descent and was married to Alonso de Moya, a scrivener of Madridejos, who seems to have been an Old Christian. According to witnesses who had lived with her as servants, or were her near neighbors, she went to mass and confession and gave all outward sign of being a good Christian; she was kind and charitable, but she would not eat pork and, when she cooked it for the household, she handled it with a rag so as not to touch it, which she explained by saying that she had a throat-trouble which made it disagree with her, and that handling it made her hands smell. There was a little cumulative evidence about putting on clean linen on Saturdays and not working, but this was insignificant and the case rested on pork. The chief witnesses were two of her husband's employees, Pedro de Liano and Alonso Collados, who lived in the house, and their evidence went much into detail as to their spying about the kitchen, peeping into cupboards, and watching all the details of her housekeeping. Liano testified that once he and Collados talked about her putting a leg of mutton into water to soak over night, when Collados said he thought there was some Jewish ceremony in this, and it would please him much to know it, for he would accuse her to the Inquisition, as he was on bad terms with her. Yet Collados, before the tribunal, concluded his testimony by saying that he wished her well for her good treatment of him, that he held her to be a good Christian, because she went to mass and spoke ill of no one and was very reserved, rarely leaving her home and talking with but few people.

Elvira was arrested early in July, and at first her trial was pushed with speed, as she was pregnant, but her confinement, August 31st, caused a delay of three months. She admitted not eating pork, but attributed this to medical advice, for a disease communicated to her by her husband, which she desired to conceal. Little stress was laid on the other charges and she strenuously asserted her orthodoxy. Of the twelve witnesses against her she identified six, but her effort to disable them for enmity failed, except as regarded the two most damaging ones, Collados and Diego Hernández. Of thirteen witnesses for character, consisting of ecclesiastics and neighbors, all but one—who professed ignorance—gave emphatic testimony as to her being a good Christian, attentive and regular in all religious duties, obedient to the precepts of the Church, and in no way the object of suspicion. There was evi-

dently nothing to do but to torture her. This, as we have seen above (p. 24) was administered twice, and resulted in her stating that when she was eleven years old her mother had told her not to eat pork and to observe the Sabbath, and she knew this to be against the Christian Law—but, as her mother had died when she was eleven years old, we can not unreasonably doubt its truth. The next day a ratification was obtained in the shape that her not eating pork, changing her chemise and observing the Sabbath, were in pursuance of the Law of Moses as taught her by her mother; she had never mentioned this to anyone, for her father would have killed her and she feared her husband.

On the strength of this, in the consulta de fe, there was one fanatic who voted her relaxation, but the rest agreed upon reconciliation with its disabilities, confiscation and three years of prison and sanbenito, which were duly imposed in an auto of June 13, 1568, but, in a little more than six months, the imprisonment was commuted to spiritual penances, and she was told to go where she chose. Thus, besides the horrors of her trial, she was beggared and ruined for life, and an ineffaceable stain was cast upon her kindred and descendants. What became of the infant born in prison is not recorded, but presumably it was fortunate enough to die. Trivial as may seem the details of such a trial, they are not without importance as a sample of what was occupying the tribunals of all Spain, and they raise the interesting question whether in truth the inquisitors believed what they assumed in the public sentence, that they had been laboring to rescue Elvira from the errors and darkness of her apostasy and to save her soul. The minute points on which the fate of the accused might depend are illustrated by the insistence with which they dwell on her abstinence from pork, on her refusal to eat buttered cakes, on her use of two stewing-pots, and on the time at which she changed her chemise and baked her bread.[1]

Subjected, on the one hand, to the ceaseless espionage of servants and neighbors and, on the other, to the pitiless zeal of the tribunals, even the heroic obstinacy of Judaism, which had triumphed over the countless miseries of the Dispersion, gradually succumbed to this all-pervading persecution, so ceaselessly and relentlessly applied. As generation succeeded generation, with no hope of relief, this unremitting pressure seemed gradually

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 128. For illustration of the trivial evidence which justified prosecution for Judaism see Vol. II, p. 566.

to be attaining its object. The prosecutions for Judaism commenced to diminish sensibly. Valencia had a large converso population and, during the first quarter of the sixteenth century, the trials averaged between thirty and forty a year. Then came the enforced baptism of the Moors, who for some time furnished a predominant contingent. The latter were temporarily released from inquisitorial jurisdiction in 1540, and, during the three years, 1541, 1542 and 1543, there was not a single trial for heresy. In 1546 they were again relieved from the Inquisition and, in the following sixteen years, until 1562, the total number of trials for heresy was but forty-eight—in fact, in the ten years between 1550 and 1560, there were but two, showing that Judaism there had almost ceased to be the object of inquisitorial activity.[1] In Toledo, which included Madrid, during the sixteen years, 1575–1590 inclusive, there were but twenty-three cases.[2] In 1565, an auto at Seville presented seventy-four penitents without one Judaizer, and there were none in a Cuenca auto of 1585 in which figured twenty-one Moriscos.[3] Even as early as 1558, when the Suprema was magnifying its services to obtain from Paul IV the grant of prebends, it admitted that for some years there had been but few Judaizers found, but it alluded vaguely to some recent discoveries of them in Murcia, who would soon be punished.[4] In fact, not long afterward, Paolo Tiepolo, the Venetian envoy, alludes to the arrest in Murcia of a large number of Jews.[5]

Coincident with this diminution of material for persecution, there seems to have been a disposition to resort to milder methods, attributable perhaps to an expectation that Judaism would ere long disappear. In 1567, Pius V, at the request of Philip II, empowered Inquisitor-general Espinosa, for three years, to have the Judaizing New Christians of Murcia and Alcaraz absolved, either publicly or privately, with a salutary and benignant, but not pecuniary, penance; clerics, however, were not to be habilitated to obtain orders or benefices.[6] There is a story that Dom João Soares, Bishop of Coimbra, after the Council of Trent, made

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 98.
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[3] Archivo de Simancas, Inq., Leg. 787; Leg. 1157, fol. 155.
[4] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 177.
[5] Relazioni Venete, Serie I, T. V, p. 19.
[6] Bulario de la Orden de Santiago, Lib. III, fol. 109, 111.—Archivo de Simancas, Inq., Lib. 926, fol. 129.—Archivo de Alcalá, Hacienda, Leg. 1049.

a pilgrimage to Jerusalem, in the course of which, at Cyprus, he met many Spanish and Portuguese refugees, from whom he gathered information which he communicated to the tribunal of Llerena, resulting in the detection of many Judaizers in Extremadura.[1] They were treated like those of Murcia, for Philip, in 1573, obtained from Gregory XIII a brief similar to that of 1567, for the benefit of the Judaizers of the district of Llerena, except that the faculty was limited to one year.[2] Even greater privileges were granted, in a brief obtained by Philip, in 1597, to the Judaizers of Ecija and its district, for not only were they to be absolved like those of Murcia, but all prisoners under trial were to enjoy the benefit of the pardon, with no note of infamy on themselves or their descendants, and this time of grace was to endure for four years.[3] These may not have been the only instances of such favors, and they indicate a tendency towards an entire change of policy. That there was hopefulness that the Inquisition was accomplishing its work is seen in a careful state paper drawn up for the Suprema, in 1595, by a distinguished prelate, Juan Bautista Pérez, Bishop of Segorbe, who felt justified in assuming that the baptized Jews remaining in Spain, after the expulsion of 1492, had now become good Christians, except one here and there, and that their Law was forgotten.[4]

In this the good bishop was careful to limit his praise to the descendants of those who had been baptized a century before,

[1] Vicente da Costa Mattos, Breve Discurso contra a Perfidia do Judaismo, fol. 100 (Lisboa, 1623).

[2] Bulario de la Orden de Santiago, Lib. IV, fol. 5.—Archivo de Simancas, Inq., Lib. 926, fol. 127.

[3] Bulario de la Orden de Santiago, Lib. IV, fol. 130.

The district of Galicia would seem to be an exception to this, probably arising from the lateness of the organization of the tribunal of Santiago. Jews there had been quite numerous, wealthy and respected, and there had not been time to enforce their conversion or extermination. The severity of the tribunal earned for it the reputation of the most cruel in Spain and, pitiless as was that of Portugal, many Galician Conversos took refuge there. Towards the close of the century Inquisitor Pedro Pérez Gamarra acquired for himself an infamous distinction by his relentless activity, and the archbishop and chapter protested publicly against the proceedings of the tribunal. Its rapacity was rewarded with abundant confiscations. We hear of Méndez of Valdeorras, whose estate was reckoned at more than 40,000 ducats, of that of Antonia de Saravia at 233,707 reales and of Marcial Pereira at 363,444.—Benito F. Alonso, Los Judíos en Orense, pp. 8, 26, 28–30, 32 (Orense, 1904).

[4] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.

three full generations having passed under the chastening hands of the Holy Office. He evidently was aware that a new factor had been injected into the religious problem—a factor which was to give the Inquisition occupation for nearly a century and a half more. This was due to the conquest of Portugal by Philip II, in 1580. Although the union of the two kingdoms was merely dynastic, and their separate organizations were preserved, the facility of intercourse which followed led to a large emigration of New Christians from the poorer to the richer land. They had not been exposed as long as their Spanish brethren to inquisitorial rigor and, for the most part, they were crypto-Jews. The fresh justification which they afforded for the activity of the Inquisition, after the suppression of spasmodic Protestantism and the expulsion of the Moriscos, and the part which they played in Spanish Judaism seem to require a brief review of the curious history of the early Portuguese Inquisition. It also affords an insight into the relations between the New Christians and the Holy See, and thus throws a reflected light on the struggles of Ferdinand and Charles V with the curia.[1]

We have seen (Vol. I, pp. 137, 140) the reception by João II of the multitudes who flocked to Portugal at the time of the expulsion and their kindly treatment by King Manoel at his accession in 1495. In contracting marriage, however, with Isabella, daughter of Ferdinand and Isabella, the condition was imposed on him of expelling all refugees who had been condemned by the Spanish Inquisition and, under this impulsion, seconded by his confessor the Frade Jorje Vogado, he issued a general edict of expulsion, excepting children under fourteen, who were torn from their parents—a measure which caused the most deplorable distress, many of the Jews slaying their offspring rather than surrender them to be brought up as Christians. By various devices the departure of the exiled was delayed, until after the time when they incurred the alternative of slavery, and thus they were coerced to accept baptism. To temper this, Manoel granted, May 30, 1497, that for twenty years they should be exempt from perse-

[1] Ample authentic material exists for this in the twelve volumes of the *Corpo Diplomatico Portuguez* (Lisboa, 1862–1902)—material of which Herculano had skilfully utilized a portion in his classical *Da Origem e Estabelecimento da Inquisição em Portugal* (Lisboa, 1854). Some gaps in this have been filled by A. Ronchini, in his *Giovanni* III *di Portogallo, il Cardinal Silva e l'Inquisizione* (Modena, 1879).

cution; that subsequently all accusations of Judaism should be brought within twenty days of the acts charged; that the trial should be conducted under ordinary secular procedure, and that confiscations should enure to the heirs. Moreover, he promised never to legislate for them as a distinct race.[1]

This latter pledge was soon broken, by edicts of April 21 and 22, 1499, forbidding them to leave the kingdom without royal permission and prohibiting the purchase from them of lands or bills of exchange. Popular aversion increased and culminated in the awful Lisbon massacre of 1506. This wrought a revulsion of feeling; in 1507 the restrictive laws of 1499 were repealed; the New Christians were allowed freely to trade and to come and go; they were in all things assimilated to the natives, and were entitled to the common law of the land. In 1512 the twenty years' exemption was extended to 1534, and although, in 1515, Dom Manoel applied to Leo X for the introduction of the Inquisition, on the request being delayed the matter was dropped and was not revived. Until Manoel's death, in 1521, the New Christians thus enjoyed toleration and flourished accordingly. They grew rich and prosperous, they intermarried with the noblest houses, and they largely entered the Church. Externally their religious observance was unimpeachable, and Portugal naturally became a haven of refuge for Spanish Conversos, nor is it likely that the restrictions on such immigration, enacted in 1503, were rigidly observed.[2]

His successor, Dom João III, a youth of 20, was a fanatic of narrow mind and limited intelligence, but the influence of Manoel's counsellors, who continued in the direction of affairs, procured, between 1522 and 1524, the confirmation of the privileges granted by the late king. Ecclesiastical pressure and popular prejudice, however, made themselves felt and, in 1524, a secret inquest brought the testimony of parish priests that the New Christians were suspected of being Christians only in name.[3] Then João's marriage, in 1525, with Catalina, sister of Charles V—the only Portuguese queen admitted to a seat in the Council of State—brought a powerful influence to bear; the growing strength of

[1] Osorii de Rebus Emmanuelis Lib. I.—Monteiro, Historia da S. Inquisição de Portugal, Liv. II, c. 43.—Amador de los Rios, III, 358, 360, 614–15.—Herculano, I, 113–14, 116–18, 124–30.

[2] Herculano, I, 133, 153–4, 158–9, 164–8.

[3] Herculano, I, 179, 189–90.

these tendencies gradually overcame considerations of plighted faith and, early in 1531, Dr. Brás Neto, the ambassador at Rome, was instructed to procure secretly from Clement VII briefs establishing in Portugal an Inquisition on the Spanish model. We have seen in Spain the objections of the Holy See to the royal control of the institution and to the abandonment of all share in the confiscations, and these probably explain the delays which postponed, until December 17th, the issue of a brief conferring on the royal nominee, Frade Diogo da Silva, the requisite faculties as inquisitor-general. This was followed, January 13, 1532 by one ordering him to assume the office; the two reached Lisbon in February, but it seems to have been feared that their publication would lead to an immediate exodus of the New Christians, and they were kept secret until laws could be framed reviving, with additional rigor, the edicts of 1499, prohibiting, for three years, departure from the kingdom, the sale of real estate and the negotiation of bills of exchange. These were issued June 14th, after which there was a pause, explicable only by the lavish employment of money in both Lisbon and Rome. The New Christians evidently had obtained knowledge of the threatened measure; much of the active capital of the kingdom was in their hands, and the danger called for energetic work and sacrifice. A fitting emissary to Rome was found in Duarte da Paz, a Converso of no ordinary ability, energy and audacity; the king was entrusting him with a mission beyond the borders, under cover of which he made his way to the papal court, where for ten years he continued to act as agent for his fellows. Then, in September, there came Marco della Rovere, Bishop of Sinigaglia, sent as nuncio on this special business, who was speedily bought by the New Christians, and they probably won over by the same means the Frade Diogo da Silva, who complicated matters irretrievably by refusing to accept the office of inquisitor-general. Duarte da Paz also was not idle, and the confusion became inextricable when, by a brief of October 17th, Clement VII suspended temporarily the one of the previous December, and prohibited not only da Silva but all bishops from proceeding inquisitorially against the New Christians.[1]

As we have seen in Spain, the curia recognized that here was a numerous and wealthy class of heretics, to whom it could sell

[1] Herculano, I, 228–86.—Corpo Diplomatico, II, 335, 338, 409, 410.—Anno histórico Portuguez, I, 253 (Lisboa, 1744).

protection and then abandon them, until their fears or their sufferings should produce a new harvest. This speculation in human agony was all the more undisguised and lucrative that Portugal was a comparatively feeble kingdom, which could be treated with much less ceremony than Spain, and João III a man of wholly different type from Ferdinand or Charles V, while his invincible determination to have an Inquisition in his realm prolonged the struggle and rendered especially productive the game of inclining to either side by turns. This was so self-evident that João almost openly reproached Clement VII with it, and the committee of Cardinals entrusted with the conduct of the affair rejoined that inquisitors were ministers of Satan and inquisitorial procedure a denial of justice.[1]

João's reproaches were justified when Clement, by a brief of April 7, 1533, granted what was virtually a pardon for all past offences, without disability to hold office in Church or State, while those defamed for heresy could justify themselves before the nuncio—a function which he turned to account for, when recalled in 1536, he was said to have carried with him to Rome some thirty thousand crowns. João threw obstacles in the way of the execution of this brief, which called forth from Clement, in July and October, strenuous orders for its enforcement, followed by another of December 18th suspending it. It became the subject of active negotiation and Cardinal Pucci or Santiquatro, the "protector" of Portugal, suggested that it might be modified and, in the guise of fines, some twenty or thirty thousand ducats be extorted from the New Christians, to be divided with the pope. In transmitting this proposal, Henrique de Meneses, the Portuguese ambassador, added that nothing could be done in the curia without money, for this was all they wanted, and that Clement was dissatisfied with João because he had received nothing from him. Clement, however, who was rapidly approaching his end, on July 26th, ordered the nuncio to overcome by excommunication all opposition to the pardon and forbade all prosecution for past heresies, moved to this, as Santiquatro told Paul III, by his confessor, who insisted that, as he had received the money of the New Christians, he was bound to protect them.[2]

Clement died, September 25, 1534, and the struggle was renewed

[1] Corpo Diplomatico, III, 1, 11, 29, 47, 64, 75.

[2] Corpo Diplomatico, II, 430, 452; III, 76, 82, 124.

under Paul III, who referred the matter to a commission, and meanwhile suspended the pardon-brief but ordered that all prosecutions must cease, for an active episcopal inquisition had been organized, which continued its operations in spite of the papal commands. The commission reported in favor of the pardon-brief and of an Inquisition under limitations, with appeals to Rome. João refused to accept this, and a lull in the negotiations occurred, during which the nuncio della Rovere entered into a contract with the New Christians, dated April 24, 1535, under which they promised to pay to Paul III thirty thousand ducats if he would prohibit the Inquisition, confining prosecution to the bishops, who should be limited to ordinary criminal procedure; smaller sums moreover were provided for less desirable concessions. The curia honestly endeavored to earn the money, and made several propositions to João, which he rejected; then, on November 3d, a bull was solemnly published in Rome, renewing the pardon-brief, annulling all trials, releasing all prisoners, recalling all exiles, removing all disabilities, suspending all confiscations, prohibiting all future prosecutions for past offences, and enforcing these provisions by excommunication.[1]

In this Rome held that it had fulfilled its part of the bargain, but the New Christians thought otherwise; they declined to pay the full amount, and della Rovere was not able—at least so he said—to remit more than five thousand ducats. This parsimony came at an unfortunate moment. Charles V was in Rome, radiant with the glory of his Tunisian conquest, and warmly supporting the demands of his brother-in-law. The result of this was seen in a brief of May 23, 1536, which constituted an Inquisition on the Spanish model, except that for three years the forms of secular law were to be observed, and for ten years confiscations were to pass to the heirs of the convicts. Diogo da Silva was to be inquisitor-general, with the right of the king to appoint an associate. Diogo was solemnly invested with his office, October 5th, and the brief was published on the 22d.[2]

This probably taught the New Christians a lesson on the subject of ill-timed economy for a brief of January 9, 1537, addressed

[1] Ibidem, III, 117, 121, 125, 166, 169, 171, 177, 181, 190, 206, 210, 218, 220, 228, 249–50, 252, 254, 275, 290–4. The bull of Paul III, embodying the previous one of Clement VII, is in the Bullarium, I, 712.

[2] Herculano, II, 146–62.—Corpo Diplomatico, III, 283, 286, 288, 290, 302, 332; XI, 358.

to Girolamo Recanati Capodiferro, a new nuncio appointed for Portugal, gave him complete appellate power, even to evoking cases on trial and deciding them, while a supplementary brief of February 7th authorized him to suspend the Inquisition. His instructions also required him to labor vigorously for the repeal of the law prohibiting expatriation, and this was emphasized by a brief of August 31st threatening excommunication and suspension for any interference with those leaving the kingdom to carry their grievances and appeals to Rome.[1] These appeals were a source of large profit to the curia, which sold at round prices absolutions and exemptions to all applicants; the tribunals threw all possible obstacles in the way of this traffic and it was important to Rome to keep open the course of the golden stream. At the moment it was of less interest to the New Christians, for Capodiferro was as venal as his predecessor and exploited his large powers to the utmost, selling absolutions and pardons for what he could get. As João asserted, in a letter of August 4, 1539, his scandalous traffic had rendered the Judaizers so sure of impunity that they sinned with audacity. While demanding his recall, the king sought to curb him by appointing his brother Dom Henrique, a young man of 27, to the vacant post of additional inquisitor-general. Henrique was Archbishop of Braga, a post which he resigned in favor of Diogo da Silva, who retired from the inquisitor-generalship, and Henrique remained, until his death in 1580, at the head of the Inquisition. At the moment the plan was of little avail, as Capodiferro treated him with imperious arrogance, and even called in question his powers owing to defect in age, and Paul III refused to confirm him.[2]

Paul yielded in so far to João's urgency as to promise that Capodiferro should leave Portugal on November 1st. At the same time, as the three years were about to expire during which the Inquisition was restricted to secular procedure, he listened to the supplications of the New Christians and in the bull *Pastoris æterni*, October 12, 1539, he modified in many ways the inquisitorial process, so as to limit its powers of injustice and to provide ample opportunity of appeals to Rome. A leading clause was that witnesses' names were only to be suppressed when grave dangers to them were to be apprehended. Through the treachery

[1] Corpo Diplomatico, III, 348, 353, 354, 358, 402.

[2] Herculano, II, 200–5.—Corpo Diplomatico, IV, 8, 11, 95.

of a courier employed by the New Christians, this bull did not reach Lisbon until December 1st. Capodiferro delayed his departure until December 15th, and then left Lisbon without publishing it, because, as Mascarenhas the Portuguese ambassador reported, the New Christians refused to pay the extortionate price demanded for it. Mascarenhas intimates that the pope was privy to this, which is not unlikely, for Capodiferro was received with all favor. He and della Rovere were placed in charge of the affairs of the Portuguese Inquisition; he was soon afterwards promoted to the great office of Datary, and eventually reached the cardinalate. His nunciature had not proved as profitable as he had expected, for he lost fifteen thousand cruzados at sea, and brought with him to Rome only as much more. On his arrival in Portugal he had demanded of the New Christians two thousand cruzados to start with, and was regularly paid by them eighteen hundred per annum during his stay, and this in addition to his pardon traffic. There was nothing unusual in this. In 1554, Julius III, in a moment of wrathful candor, told the Portuguese ambassador that nuncios were sent there to enrich themselves as a reward for previous services.[1]

With the return of Capodiferro, after a little diplomatic sparring, Paul III dropped the whole question for nearly two years. João was quite content; the three years' limitation to secular procedure had expired, the bull *Pastoris æterni* had not been published, the Inquisition had full swing, and its activity began to rival that of Spain. Its first auto de fe was celebrated in Lisbon, September 20, 1540, with twenty-three penitents and no relaxations and was speedily followed by others.[2] It is not until December

[1] Corpo Diplomatico, IV, 128–33, 134, 148, 158, 172–8, 186, 188, 195, 200, 205, 206, 271–6; V, 165; VIII, 294, 295. The Portuguese cruzado was nearly the equivalent of the Spanish ducat.

[2] Historia dos principaes Actos e Procedimentos da Inquisicão de Portugal, p. 256 (Lisboa, 1845).

In this year 1540 occurred the curious episode of the False Nuncio, Juan Pérez de Saavedra, a skilful forger and impostor, who presented himself with forged papal briefs, lived in great state in Lisbon for three months, and traversed the land for three more, collecting large sums, after the manner of nuncios. The Spanish Inquisition got upon his track; he was decoyed to the border, seized on Portuguese soil, January 23, 1541, and conveyed to Madrid. For this daring imposition he paid with nineteen years of galleys. He assumed the credit of introducing the Inquisition in Portugal, and this secondary imposture had currency nearly to our own times.—Llorente, Hist. crit. Cap. XVI, Art. iii,

2, 1541 that Christovão de Sousa, then ambassador, refers to the New Christians who, he says, were earnestly at work to have another nuncio sent, and he had had a thousand discussions over it with the pope whose intention was fixed, because so many were burnt and so many thousands more were in prison. The New Christians offered to pay eight or ten thousand cruzados to the pope, and two hundred and fifty a month to the nuncio. At a subsequent audience, Paul said that the nuncio would have a salary of a hundred cruzados a month, to which the New Christians could add a hundred and fifty, thus raising him above the temptation of bribery, to which Sousa rejoined that this would convert him from their judge to their advocate. Then, on a later occasion, he read a remonstrance from the king so vigorous that the pope walked up and down the room, crossing himself and saying that it was the work of the devil. Sousa replied by dwelling on the misdeeds of preceding nuncios, and even offered to let the Inquisition be withdrawn if it would relieve the kingdom from the evil of a nuncio.[1]

Further discussion was abruptly terminated by an explosion. Miguel da Silva, Bishop of Viseu and minister of João, a man of high culture, had been ambassador at Rome in the time of Leo X, and had formed lasting friendships with the future Clement VII and Paul III. He had recently fallen into disfavor at court and was about to be arrested, when he fled and found refuge in Italy. João tried to entice him back with flattering letters, while employing, as Silva says, bravos to follow and assassinate him. Paul could wound the king in no more sensitive spot than by announcing, as he did on December 2, 1541, Silva's appointment as cardinal. João's rage was unbounded; he promptly deprived the new cardinal not only of his offices and temporalities, but of his citizenship, thus rendering him an outlaw and, on January 24, 1542, a special courier carried to Sousa peremptory orders to leave Rome as soon as he could present his letters of recall. His report of the manner

n. 1–21.—Páramo, pp. 227–32.—Illescas, Hist. Pontifical, Lib. vi, cap. iv.—Ant. de Sousa, Aphorismi Inquisit.; De Origine Inquisit. § 6.—Feyjoo, Theatro crítico, T. VI, Disc. iii.—Hernández, Verdadera Origen de la Inquisicion de Portugal (Madrid, 1789).

Salazar de Mendoza (Chronica de el Cardenal Don Juan de Tavera, pp. 119–21) puts Saavedra's gains at 300,000 ducats and states that Paul III released him from the galleys by a special brief.

[1] Corpo Diplomatico, IV, 381, 404–5, 422–5

in which this abrupt sundering of relations was received indicates that it gave rise to fears that Portugal was about to withdraw from the Roman obedience.[1]

This deprived the New Christians of such aid as they had purchased in Rome and left Henrique in peaceable possession of the inquisitorship, which he improved by establishing six tribunals—Lisbon, Evora, Coimbra, Lamego, Porto and Thomar—of which the first three remained permanent and the others were subsequently discontinued as superfluous.[2] On the other hand, Paul III persevered in his intention to inflict another nuncio on Portugal, and appointed to that post Luigi Lippomano, coadjutor-bishop of Bergamo. An intercepted letter of Diogo Fernandez, the Roman agent of the New Christians May 18, 1542, shows the anxiety with which his coming was awaited and throws light on their relations with the curia. He is expecting the money with which to pay the thousand cruzados to the nuncio, who demands it at once, although his orders were not to pay it until Lippomano was outside the walls of Rome. Every one is clamoring for money, until he is near losing his senses. He has agreed to pay a hundred and forty cruzados apiece for the pardons of Pero de Noronha and Maria Thomaz, which he sends, and asks for an immediate remittance. Then, on the 19th, he adds that he has that day been compelled to pay the thousand cruzados to the nuncio; he has raised the amount by giving security and, though he has disobeyed orders, he prays that the money be sent, as without it all their labor and expense would be wasted. A postscript on the 20th alludes to a general pardon which the pope had agreed to grant at a future time. People, he says, are wasting their money in getting special letters; the pope prefers that it should all be done in a general provision, to which all should contribute, and it is the most important of all things to accomplish. It would appear from the case of Antonio Fernandez of Coimbra that, when letters of exemption were obtained, the king promptly banished the recipients, who then procured fresh letters requiring the king to grant them safe-conducts and permission to sell their property, real and personal.[3]

João wrote to Lippomano not to come, and he persisted in this

[1] Herculano, II, 304–17, 332–40.—Ciaconii Vitt. Poutiff., III, 675.—Corpo Diplomatico, IV, 388, 392, 399; V, 41, 54; XI, 388, 472, 473, 496.

[2] Herculano, III, 8–9.

[3] Corpo Diplomatico, V, 34, 70, 83, 114.

against the entreaties of Charles V. Nevertheless the nuncio set out, and we hear of him in Aragon in August, where he encountered the Portuguese treasurer sent to detain him. The latter was fully aware of the payment of the thousand ducats and of the monthly stipend, as to all of which the nuncio professed the most innocent ignorance, and he further stated that the intercepted letters showed that Cardinal Silva was to receive two hundred and fifty crowns a month to act as "protector" of the Jews. Nevertheless the treasurer was finally persuaded to write favorably to his master, and Lippomano resumed his journey towards Valladolid.[1] João refused to be placated. On learning that the nuncio had reached Castile he wrote ordering him to advance no further until he should hear from the pope, to whom, on September 18th, he addressed a vigorous letter, demanding that no nuncio should be sent to interfere with the Inquisition; he was not actuated, he said, by greed, for there was no confiscation, and indeed, from another source we have the assertion that the maintenance of the Inquisition was costing him ten or eleven thousand ducats a year.[2]

Lippomano had assured the Portuguese treasurer that he did not come to interfere with the Inquisition; that his orders were only to see whether the inquisitors observed justice; if they did not, conscience would require the pope to make the necessary provisions. His secret instructions, however, were of a very different tenor. He was told that he need not hesitate to act with energy, though observing external courtesy, for Portugal was fatally weakened and approaching ruin; the king was completely impoverished, oppressed with debt, at home and abroad, hated by his people, and wholly under the influence of the friars, while his relations with France and with the emperor were unfriendly. As for the Infante Henrique, if he was not to be deprived of the inquisitor-generalship, he must at least seek a dispensation for lack of age, ask absolution for the past and ratify or annul all the preceding trials. As for the Inquisition, it would be a most holy thing to abolish it and commit the jurisdiction to the bishops; the nuncio was furnished with faculties to do this, or to suspend it, and these he was to show openly, that it might be known that this was at his discretion. Meanwhile he could issue letters to all

[1] Ronchini, pp. 6-12.—Herculano, III, 64-5.

[2] Corpo Diplomatico, V, 90, 96, 98, 104-5, 113, 115-16, 117-20.

who asked for them, on their making payment, and even if the price was small the aggregate would be large, as there were fifty thousand of them. The declaratory bull of November 13, (*sic*) 1539, suppressed by Capodiferro, was to be published without consulting the king; it need not be affixed to the church-doors, but copies could be given to all who asked, so that they could use it when on trial, and Henrique was to be notified that all procedure must conform to it; if he protested, he was to be told that such was the papal will and he could write to the pope if he so chose. Lippomano was finally told that pressure of all kinds would be brought to bear on him, but he must be firm and remind them that he had power to abolish the whole institution. Whatever we may think of João's blind fanaticism, we cannot wonder at his objection to admitting in his kingdom an emissary who came to set him at defiance and to upset all his most cherished plans. On the other hand, a letter in December, from the spokesman of the New Christians to their Roman agent, remitting to him two thousand cruzados, depicts their agonized anxiety for the coming of the nuncio; it will be their salvation and his absence is their destruction; it is useless to spend money on briefs when there is no one to enforce them.[1] They might well feel desperate, for the Inquisition was active and unsparing. At an auto held in Lisbon, October 14, 1542, there appeared a hundred culprits, of whom twenty were relaxed and João de Mello, in reporting this to the king, complained that it left the prisons still crowded with those on trial. Nor was this all, for Herculano gives a terrible picture, full of revolting details, of the atrocities perpetrated everywhere, such as we have seen set forth in the memorials of Llerena and Jaen.[2]

Although ignorant of the nuncio's instructions, João persisted in refusing him admittance, until he should have an answer to his letter of September 18th. This was long in coming, and Lippomano vainly complained of the disrespect to the Holy See shown in making him wander from one tavern to another. For awhile he remained in Salamanca and then, on false news that he would be received, he went to Badajoz, only to find the frontier closed to him, and there he was forced to stay, for some months, hopeless and querulous.[3] Meanwhile, Francisco Botelho, who had been

[1] Ronchini, p. 11.—Corpo Diplomatico, V, 134, 135, 140, 145, 149, 152, 164.
[2] Herculano, III, 116–199.
[3] Ronchini, pp. 16, 17, 20, 23.

sent with João's letter, was conferring with the pope, who blandly assured him that Lippomano's mission was only to notify the king of the approaching convocation of the Council of Trent. At length it was arranged that he should confine himself to this, and to such other matters as the king should permit. A brief to this effect, satisfactory to the Portuguese agents, was framed and despatched from Rome November 3d. It can scarce have reached Portugal before the early months of 1543 for a letter of João of March 2d mentions its arrival and his satisfaction at the settlement, in which he hopes that the pope's acts may correspond with his words. Lippomano, thus shorn of his powers and with no financial prospect before him, was anxious for his recall, but he was not permitted to return until the close of 1544; he obeyed the final instructions and abstained from aiding the New Christians.[1]

Possibly Paul's yielding in this may be explained by a negotiation on foot early in 1543. Through the Cardinal of Burgos, it was proposed to João that the pope would concede to Portugal an Inquisition identical with that of Castile, if, for a term of years, one half of the confiscations should belong to the Holy See. This cold-blooded offer to sell out the New Christians shows how purely mercantile had been the fluctuating protection accorded to them hitherto, and it was met by João in the same spirit. Protesting that he had never sought for gain in his efforts to serve God, he instructed his envoy that he might agree to three years, but must endeavor to reduce the papal share to a quarter.[2] The attempted bargain came to naught, but Rome was apprehensive that Portugal might follow the example of England, and João was propitiated with a renewed offer of a cardinal's hat for the Infante Henrique. To this he at first replied surlily, that when he had asked for it, it had been given to Silva, and now that he had not asked, it did not seem fitting to accept it. Subsequently, however, he assented and, in December, 1545, Henrique received the honor. Moreover, in October, 1543, a signal favor was granted to the Inquisition, by a perpetual brief empowering the officials to enjoy the fruits of benefices *in absentia*, although, as we have seen, in Spain the grant was only quinquennial. It is true that this was not wholly gratuitous, for it cost two hundred and fifty cruzados in addition to the regular fees of seventy.[3]

[1] Corpo Diplomatico, V, 169–71, 179, 184, 187.
[2] Ibidem, V, 176.
[3] Ibidem, V, 186, 196, 222, 506.—Ronchini, p. 24.

The Inquisition was assisted in another way. Through the subsidized Cardinal of Paris, the Portuguese ambassador, Balthasar de Faria, was enabled to inspect all papal letters granted to New Christians. In a letter of February 18, 1544, he describes the use made of this information, for he opposed each one, and it was fought over bitterly, the unfortunate pope being assailed on both sides and driven to change his decisions repeatedly, as the rival influences prevailed. Information, moreover, was sent in advance to Henrique, so as to enable him to forestall the papal graces or render them ineffective. Henrique was instructed to disregard as surreptitious everything that Faria had not seen, to appeal to the pope and to report to Faria, for this was the way that the Castilian inquisitors managed. It was a kind of guerrilla warfare, in the interval of the greater struggles.[1]

One of these conflicts was close at hand. Paul III resolved to send another nuncio, charged with the duty of wrenching from the king Cardinal Silva's temporalities and of moderating the severity of the Inquisition. For this he selected Giovanni Ricci da Montepulciano who, at the same time, was advanced to the archbishopric of Siponto. Faria flattered himself that he had succeeded in postponing the nuncio's departure till the king should be heard from, but in spite of this Ricci started July 17, 1544.[2] He travelled leisurely and did not reach Valladolid until November 5th, where he found awaiting him Christovão de Castro with letters from the king forbidding his admittance. He succeeded in making de Castro believe that he had no instructions concerning Silva or the Inquisition that would offend the king, who accordingly wrote November 28th, cautiously admitting him under these presumptions. It so chanced however that, before the courier started with this letter, Lippomano, who was still acting as nuncio, received and affixed at the church doors a papal brief of September 22d, inhibiting all inquisitors and ecclesiastical judges from executing any sentences pronounced on New Christians, or from proceeding to sentence in any cases, until Ricci should arrive, investigate and report as to the conduct of the Inquisition, after which the papal pleasure should be made known. This settled the question; copies of the brief were sent to de Castro to justify to the Spanish court the absolute refusal to admit Ricci until

[1] Corpo Diplomatico, V, 225, 273, 281-2.
[2] Ibidem, V, 291; XI, 503.—Ronchini, p. 26.

João should have an answer to letters demanding explanation and reparation, despatched by a special courier. At the same time the brief was obeyed, for there were no more autos after June, 1544, until 1548.[1]

Considering all that had occurred during the past ten years, there was an inexcusable aggravation about all this, which it is difficult to understand in the absence of information as to the secret working of the New Christians in Rome, unless it was to convince João that he would have to pay roundly for the pleasure of persecuting his subjects. He exhaled his wrath in one or two letters to Balthasar de Faria and, on January 13, 1545, he despatched Simão da Veiga in hot haste with instructions to demand the installation of the Inquisition in satisfaction of the royal grievances; the recent brief must be revoked, and Ricci must come under the limitations imposed on his predecessor and must say nothing about Cardinal Silva. A prolix letter to the pope, to be read in consistory, was free-spoken but not intemperate and, considering the provocation, was much more moderate than the papal duplicity had deserved.[2]

This letter remained unanswered for nearly six months, during which another experiment was tried on João's credulity. Cardinal Sforza, one of the papal grandsons, wrote in the name of the pope that, if the nuncio was admitted, all that he asked for the Inquisition would be conceded, and Cardinal Crescenzio confirmed this verbally. With natural distrust, however, the king asked to have Paul himself ratify this to Faria, and then he would admit Ricci. As late as June 22, 1545, he was writing in this sense, not knowing that on June 16th the pope had responded to his letter in a brief in which, with exasperating affectation of benignity, he pardoned João's asperity; against João's assertions of the wickedness of the New Christians and the mildness of the Inquisition, he set the constant complaints reaching him of its cruelty and injustice, and the numerous burnings of the innocent; as it was under his jurisdiction, he was responsible and he could not forego the duty of investigating the truth of these conflicting statements; there was also the spoliation of Cardinal Silva which must be redressed. The brief closed with the significant threat

[1] Corpo Diplomatico, V, 306, 308, 311, 315, 317; XI, 507.—Archivo de Simancas, Patronato Real, Inquisicion, Leg. unico, fol. 34.—Historia dos principaes Actos, p. 256.

[2] Corpo Diplomatico, V, 320, 321, 324, 330, 344.

that, if these matters were not remedied, he could not expose himself before Almighty God to the charge of negligence in an affair of such moment.[1]

The devious ways of the papal court are hard to follow. Four days before the date of this brief, on June 12th, Cardinal Sforza sent to João the written assurance that was demanded, promising that if he would admit the nuncio, the pope would grant all that he desired as to the Inquisition. On receiving this in August, the king at once replied that, in reliance on the cardinal's assurances, he would permit Ricci to enter Portugal and he asked to have the necessary bull made out and sent by Simão da Veiga. At the same time he gave Ricci permission to come, cautiously adding that it must be under the limitations imposed on Lippomano. Ricci, detained by sickness, did not arrive until September 9th, and then he was the bearer of the minatory brief of June 16th. That João was thunderstruck may well be believed and he wrote to his envoys that he knew not what to say.[2]

The pope sought a compromise, offering to revoke the brief of September 22, 1544, and that, after the nuncio had reported, he would leave everything in the king's hands, but he refused to carry out the promises of Cardinal Sforza. No answer was given to this, but the brief of revocation was made out and reached Ricci, January 18, 1546, accompanied with one empowering him to act in case he discovered abuses in the Inquisition, but the only investigation that João would permit was that he should examine the papers in four or five cases and interrogate the inquisitor concerning them. The first case submitted was that of a septuagenarian, burnt some years before. He was one of those who had been converted by force; he had at once confessed more than had been testified against him, and had begged for mercy. Ricci asked the inquisitor, João de Mello, why he had burnt him, as this was not a case of relapse, to which Mello replied that his repentance was simulated because he had varied in the three examinations, but on investigating the record the variations were found to be trifling. Ricci asked for a copy of the process to send to Rome, and it was promised but not given. His report was naturally adverse to the Inquisition and the pope, assuming that the brief of 1536 had established it for ten years only, notified João that

[1] Corpo Diplomatico, V, 405, 434, 442.—Raynald. Annal. ann. 1545, n. 58.
[2] Corpo Diplomatico, V, 448, 451, 453, 460, 470.

the term had expired: in deference to him it was prolonged for a year, but he was told that, within that time, the question as to the New Christians must be definitely settled; it was suggested that a general pardon could be granted, or that he could banish them all from his kingdom.[1]

We may fairly assume that, in such a crisis as this, the gold of the New Christians had not been spared in Lisbon or in Rome. João evidently felt that the turning-point had come and that some supreme effort must be made to outbid his subjects. He had not been niggardly, on his side, in responding to the urgent calls of his ambassadors for liberality towards the cardinals. Cardinal Farnese, the favorite grandson of Paul III, and the most influential member of the Sacred College, had a pension from him of thirty-two hundred cruzados, assigned in 1544 equally on the sees of Braga and Coimbra to assure its continuance: at a critical moment, in 1545, the arrearages and two years in advance were paid to him, in a lump sum of thirteen thousand cruzados. So little reserve was there in these matters that, after the death of Cardinal Santiquatro, the "protector" of Portugal, João actually suggested the employment of Paul III as his successor, pointing out the large "propinas" that would enure to him from certain provisions as to bishops which the king was soliciting. For these and for the payment to Farnese, he forwarded bills of exchange for thirty-three thousand cruzados. Julius III was as mercenary as his predecessor. In 1551 João, in response to a hint that a present was desirable, sent him a magnificent diamond, valued by the Roman jewellers at a hundred thousand cruzados. Julius was greatly pleased and declared that he would make it an heirloom in his family, but when the next year he intimated that another gift would be acceptable, João, who was dissatisfied with him at the time, refused to respond, saying that when the pope acceded to his demands to make Henrique perpetual legate it would be time to think of giving him something. This brought Julius to terms; in 1553 the appointment was made and in 1554 João sent him a brooch.[2]

[1] Corpo Diplomatico, VI, 23, 42.—Ronchini, pp. 31–2.

[2] Corpo Diplomatico, V, 361, 391, 398, 399; VII, 32, 51–3, 204, 216, 241, 327; VIII, 111.

After João's death, the regency, in 1562, in return for a favor, sent to Pius IV a couple of rings, to which he loftily replied that he did not desire such gifts,

In such matters it was difficult for subjects to compete with their monarch. Under the pressure so skilfully applied by Rome, a brilliant idea occurred to João and, in a letter of February 20, 1546, to Balthazar de Faria, he suggested that, in return for a free Inquisition, he would grant to Cardinal Farnese the administration and revenues of the see of Viseu, which he had been withholding from Cardinal Silva, thus at once obtaining the object of his desires and gratifying his rancor against that unfortunate prelate by depriving him of papal support.[1] This dazzling bribe overcame Paul's scruples as to his responsibility to the Almighty and his friendship for Silva. The Holy See has been stained with many examples of nepotism and rapacity, but its history has furnished few transactions of more shameless effrontery in sacrificing those whom it was pledged to protect. Still, Paul strove to maintain some semblance of decency in abandoning the New Christians, and he advanced a demand that there should be a general pardon for past offences and the granting of a term during which those desiring to emigrate could leave Portugal. João was determined to get all that he could, and a series of intricate negotiations took place, occupying the whole of 1546 and 1547, inwhich each side endeavored to outwit the other with little regard to consistency. Matters were complicated by the question of the accrued revenues of Viseu, which João was loath to refund, and which Paul demanded, for the convenient receptacle of the fabric of St. Peter's. Ignatius Loyola took a hand in the fray and so did two members of the Council of Trent, Frade Jorje de Santiago, an inquisitor, and the Carmelite Balthazar Limpo, Bishop of Porto, an honest and free-spoken fanatic, who was much scandalized by ascertaining that a brief of safe-conduct had been secretly issued, inviting the Portuguese New Christians to Italy, with assurance of not being disturbed on account of their religion. Thus, as the bishop said, those who had been baptized at birth came and were immediately circumcised and filled the synagogues under the very eyes of the pope—the inference being that he desired free emigration from Portugal, in order that Italy might benefit by the intelligence and industry of the apos-

but he had previously had them appraised and found that they were of little value. There was some indignation felt in the papal palace and Alvaro de Castro, in reporting it, dwelt on the importance of keeping the pope well-disposed.—Ibidem, X, 19, 20, 21.

[1] Corpo Diplomatico, VI, 23.

tates, an argument which was freely used and was not easy to answer.[1]

In the spring of 1547, as matters seemed to approach a settlement, the necessary briefs were successively drafted. One of May 11th granted a general pardon for past offences; all prisoners were to be released, all confiscations returned, all disabilities removed, and reincidence was not to incur the penalty of relapse. One of July 1st addressed to Cardinal Henrique announced to him that the pope had granted the Inquisition, with full powers

[1] Corpo Diplomatico, VI, 95, 101, 105–25, 139, 141, 144, 170–5,.176–77, 180, 183, 186, 198–208.—Ronchini, pp. 37–8.—Stewart Rose, St. Ignatius Loyola and the early Jesuits, p. 406 (New York, 1891).—Gothein, Ignatius von Loyola und die Gegenreformation, p. 611 (Halle, 1895).

It was freely stated that Julius III continued the practice and sold, for a thousand cruzados a year, licence to seventy heads of families who had been baptized in Portugal to Judaize in Ancona, a privilege of which two hundred took advantage, with their wives and children.—Corpo Diplomatico, VII, 378.

The facts of this curious episode are that Paul III issued letters of safe-conduct to foreign merchants in Ancona, including both Turks and Jews. Then, February 21, 1547, in an elaborate brief, specially favoring the New Christians of Portugal, he promised that, for all accusations of heresy or apostasy, they should be subject exclusively to the pope in person, all judges and inquisitors being forbidden to prosecute them. Feeling their position uncertain, they bargained with the local authorities that, for five years, they should be undisturbed and that any one prosecuted should have free permission to depart. In 1552 they presented these articles to Julius III for confirmation, which he gave by a brief of December 6th, forbidding judges and inquisitors to molest them. Paul IV, however, April 30, 1556 withdrew this and ordered their prosecution, even if they denied under torture their baptism, as it was notorious that for eighty years no Hebrew could live in Portugal except as a Christian. This was at the instance of Cardinal Caraffa and his other nephews, who thereupon seized the persons and property of the Jews, who arranged a compromise for 50,000 ducats, but were unable to raise the money in the time specified, whereupon the Caraffas held the property, estimated at 300,000 ducats. A contemporary states that more than eighty of them were burnt or sent to the galleys.—Collect. Decret. S. Congr. Sti Officii, s. v. *Judaizantes* (MS. *penes me*).—Decret S. Congr. Sti Officii, pp. 327, 334–6 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).—Bibl. nationale de France, fonds italien, 430, fol. 109.

During the first half of the seventeenth century, the popes earnestly endeavored to force Venice to exclude the Portuguese refugees, when the decrees of Paul III and Julius III were persistently quoted in their favor. The inquisitors in all Italian cities were urged to active work against them, but they seem to have been favored by the local authorities. Those of Pisa and Leghorn were especially liberal.—Collect. Decret. *loc. cit.*—Albizzi, Riposta all'Historia dalla S. Inquisizione del R. P. Paolo Servita, pp. 194–212.

of procedure. One of July 5th, to João informed him that the bearer, Cav. Giovanni Ugolino (a nephew of the late Cardinal Santiquatro) carried the bull for the Inquisition and exhorted him to see that the inquisitors exercised their powers with moderation. Ugolino was also empowered to take possession for Farnese of the see of Viseu and the other benefices of Silva, and to collect the arrears of revenue for the fabric of St. Peter's. There were two briefs of July 15th, one appointing Farnese administrator for life of the see and the benefices; the other withdrew and annulled all the letters of exemption from the Inquisition which the New Christians had been for so many years purchasing at heavy cost. Finally, under date of July 16th, came the long sought-for bull, *Meditatio cordis*, instituting for Portugal a free and untrammelled Inquisition. It declared that the pope, desiring the rigorous punishment of the atrocious crime of heresy, revoked all previous limitations on its powers, and conferred on it all faculties at any time granted to inquisitors. To render effective the withdrawal of the letters of exemption, it evoked to the pope all cases pending before other judges than Cardinal Henrique, and committed them to him and his deputies with full powers. That Paul did not, without some qualms of conscience, thus abandon the New Christians who had contributed so liberally to the curia, is suggested by a subsequent brief of November 15th, in which he told the king that, as he had granted to Portugal a free Inquisition, he earnestly exhorted him to see that the inquisitors acted with charity and not with judicial severity, in consideration of the weakness of the neophytes, for this would be most gratifying to him.[1]

The pope's anxiety to save appearances is visible in the instructions to Ugolino. Those from Paul bore that his wishes were that, under the pardon brief, all prisoners were to be discharged; those who had to abjure should do so before a notary and not in an auto de fe; that for a year no one was to be relaxed, no arrests were to be made save for public and scandalous offences, and prosecutions were to be conducted as in other crimes, while, if the law prohibiting emigration could not be repealed, it should be kept quiet for a year—thus hiding for a twelvemonth his betrayal of the friendless.[2] The instructions from Farnese were more openly

[1] Corpo Diplomatico, VI, 152, 159, 160, 163, 164, 166, 210.—Raynald. Annal. ann. 1547, n. 131, 132.

[2] Corpo Diplomatico, VI, 220.

cynical. To disarm João's distrust, he had agreed not to take possession of Silva's temporalities until the affair of the Inquisition should be settled, while Ambassador Faria and the Bishop of Porto had pledged that João should raise no difficulties; it was on that condition that the pope had granted the Inquisition, in the confidence that both should be settled together. João was to be persuaded to accede to the general pardon and graces asked for, in lieu of the permission to emigrate, for that would enable the pope to answer the appeals and complaints of the New Christians, by telling them that these were sufficient. The pope was anxious that, for a year, the Inquisition should not employ rigor and that procedure be that of secular law; this was of slender importance but it would seem to them a great matter. They were also to be told that, as in previous cases, the pope could have had from them twenty thousand cruzados for the pardon, while he had granted it without getting a single farthing. It was further significant that both Ugolino and the nuncio Ricci were warned to be specially careful to exact nothing from the New Christians.[1]

How João regarded these pleadings for the victims is seen in a letter to Faria after the settlement. He had accepted, he said, the conditions as to the Inquisition, knowing that further protests would only bring worse terms, but he intended that the Inquisition should proceed in the form conceded by the bull. Those pardoned under the pardon brief, if they committed heresy during the year, could be arrested and prosecuted at once, but should not be sentenced or relaxed until after the expiration of the year. For a year the inquisitors should be directed to proceed mildly, but, as for treating heresy like other crimes, it would be unreasonable, because the pope ordered otherwise in the bull itself. As for the prohibition of emigration, it was not for the service of God to repeal the law as the pope desired. The pardon should be published and the prisoners released; those who had to abjure should not so do on a staging but publicly at the church doors.[2] Thus brutally was brushed aside the mask under which Paul had sought to disguise his abandonment of the New Christians.

Since May, 1547, Ugolino waited in daily expectation of orders to start, but it was not until December 1st that he left Rome with the bulls that decided the fate of Portugal. It was probably in January, 1548, that he reached Lisbon,where fresh delays occurred

[1] Corpo Diplomatico, VI, 219–21.
[2] Ibidem, VI, 250–2.

in settling details, and only on March 24th was the agreement respecting Silva's temporalities signed; João grumbled at the assignment of the accrued revenues to the fabric of St. Peter's; he had not agreed to surrender them and did not intend to do so, but he finally submitted. The pardon was published in Lisbon, June 10th, the prisons were emptied and the abjurations, we are told, for the most part were private.[1] Thus, after a contest lasting through seventeen years, the Inquisition was fastened upon Portugal and, in reviewing the kaleidescopic vicissitudes of the struggle, we cannot trace, in any act of the Holy See, a higher motive than the sordid one of making, out of human misery, a market for the power of the keys and selling it to the highest bidder.

The New Christians promptly sought to save a fragment from the wreck, by obtaining the publication of the names of witnesses, based on the canonical provision that they were to be suppressed only in the case of powerful delinquents, who could wreak vengeance on accusers. With this view they procured from Paul III a brief of January 8, 1549, defining that New Christians and others could only be deemed powerful men, in respect to the communication of witnesses' names, provided they were nobles exercising jurisdiction over vassals, public magistrates, or officers in the royal palace. There seems to have been some delay in the publication of this but, when it came to the knowledge of the king, he sent, August 13, 1550, a copy of it to Julius III, with an urgent

[1] Corpo Diplomatico, VI, 248–9.—Ronchini, p. 41.

There is some satisfaction in knowing that Cardinal Farnese made but little out of this wretched business. The death of his grandfather, in November, 1549, deprived him of influence and, in 1550, João had the effrontery to demand his resignation of the see of Viseu. Farnese interposed difficulties but, in 1552, Gonsalvo Pinheiro was installed in his place. Soon afterwards, in September 1552, we hear of his taking refuge in his legation of Avignon, partly for safety and partly on account of his necessities.—Corpo Diplomatico, VI, 422, 423; VII, 151, 165, 174, 184.

João's malignity towards Cardinal Silva was unquenchable. On the accession of Julius III, he heard that the new pope felt compassion for Silva and he instructed his ambassador to tell him that any honor or grace conferred on Silva would be regarded as an injury. By this time Silva was reduced to penury and the ambassador out of compassion forbore to deliver the message, when João angrily repeated his instructions with additional emphasis. In spite of this Julius wrote, some three years later, asking João to pardon Silva, who was borne down with age and infirmities. João left the letter unanswered for eight months, until March, 1554, and then wrote with studied evasiveness. Silva died in June, 1556.—Corpo Diplomatico, VI, 389; VII, 25, 244, 330.

request for its revocation as it would prove the total destruction of the Inquisition.[1] A long struggle ensued between the Portuguese ambassadors and the New Christians, in which, for some time, the latter were successful. Into these details it is not worth while to enter, but the final incidents are too illustrative of the course of business in the papal court to be passed over. Paul IV succeeded to the pontificate May 23, 1555; while yet a cardinal he had expressed opposition to the brief, and the ambassador, Affonso de Lencastro, with the assistance of the Grand Inquisitor, Cardinal Alessandrino—the future Pius V—had not much difficulty in winning him over. The brief of revocation was drafted and approved and sent to the dataria for despatch. The deputy there chanced to be a Castilian New Christian and, when the ambassador's secretary called for the brief, he was told that Paul III had done a just and holy thing, and that in Portugal the inquisitors wanted to burn everybody. The brief was withheld and, when complaint was made to the pope that his datary refused to obey orders, he promised to look into it. Nothing more could be got from him at the time, and his reckless war with Philip II gave him ample occupation for the next few years. Lencastro however continued his efforts until replaced, in April, 1559, by Lourenço Pirez de Tavora, who brought urgent instructions to procure the brief of revocation. Peace with Philip was proclaimed April 5, 1559, but Paul IV, in his 84th year, was broken and was moreover engrossed with his prosecution of Cardinal Morone. Lencastro and Pirez, however, labored with the Congregation of the Inquisition which, on July 22, approved of the revocatory brief. They carried it at once to the pope and, with the aid of Cardinal Alessandrino, obtained the promise of his signature. To their dismay they learned the next day that it had not been signed. Paul had called for his signet-ring, had drawn it from its bag and was about to append it, when he glanced over the brief; the preamble did not suit him, for it was not easy to give a reason for revocation without inferring blame. He laid it aside, and this was almost his last act, for he died August 18th and for three weeks no briefs had been expedited. The conclave was prolonged and Pius IV was not elected till December 26th. Pirez lost no time and, on his visit of congratulation, January 2, 1560, before the coronation, he urged the matter on the pope. Cardinal Alessandrino was sent for and gave his approval. The secretary Ara-

[1] Corpo Diplomatico, V, 391, 392; VIII, 291.

gonia was instructed to draft the brief and it was, as Pirez thought, the first one signed after the coronation. Pirez attributed his success to the profound secrecy which kept the measure from the knowledge of its opponents and, in the midst of his self-congratulation, he twice solemnly warned Cardinal Henrique to use his powers with moderation for, under the brief, it would be easy to burn the New Christians. It was in vain that they sought to obtain its revocation; their agents and their memorials were alike disregarded, and the suppression of the names of witnesses became the established practice in Portugal as in Spain. All hope of relief, moreover, was extinguished when, in September, Prospero de Santa Croce was sent as nuncio, Cardinal Henrique was reappointed legate *a latere*, in all matters concerning the faith, thus cutting off all appeal and all interference with the Holy Office.[1] The earnest persistence with which permission to withhold the names of witnesses was sought shows how great a hindrance to condemnation their publication proved, and this probably explains the fact that, during the continuance of the prohibition, the activity of the Inquisition was restricted. A list of autos de fe, as complete as research could compile, indicates that of the three established tribunals, Lisbon celebrated no auto prior to 1559, nor Coimbra until 1567. There may be some defect in the archives to account for this, and they may have been better preserved in Evora, for there we find autos recorded in 1551, 1552, 1555 and 1560. After this they became more frequent and increased in severity, but, up to the time of the conquest by Philip II, in 1580, the whole number of autos recorded in the three tribunals was only thirty-four, in which there were a hundred and sixty-nine relaxations in person, fifty-one in effigy and nineteen hundred and ninety-eight penitents.[2] The insignificant number

[1] Corpo Diplomatico, VII, 49, 255, 291, 336, 437, 458, 479; VIII, 82, 94, 108, 142, 150, 161, 181, 185, 195, 197, 205, 225, 239, 275, 289, 296, 310, 460, 466, 475, 476, 491; IX, 40, 81, 120, 125, 150.

[2] Historia dos principaes actos, etc., pp. 256–9, 292–5, 312–13

The numbers in the respective tribunals are—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	37	2	270
Evora	87	12	1023
Coimbra	45	37	705
	169	51	1998

The interesting list of autos, from which I have summarized this and succeeding tables, is probably based on the compilation from the records made about

of relaxations in effigy, when compared with the multitudes that figure in the early Spanish autos, would seem to indicate that they were merely those who escaped from prison or died during trial and that, in the absence of confiscation, the Portuguese inquisitors were not earnest in tracing the heresies of ancestors or in following up the records of fugitives.

The question of confiscation, in fact, had been left by Paul III in the hands of the king, who found in it a financial resource for his bankrupt treasury by granting, for a consideration, decennial periods of exemption—a practice continued by the Regency after João's death. Probably in 1568, the New Christians hesitated to pay the price demanded, for a brief of Pius V, dated July 10th of that year, recites that the last term had expired on June 7th, and that King Sebastian had not renewed it, finding that it served as an incentive to heresy, and that he had asked the pope not to listen to appeals. This Pius willingly promised and withdrew all privileges which the New Christians might enjoy. Doubtless this induced them to come to terms, for the exemption was renewed. After this decennium, Sebastian again granted it in his efforts to provide for his ill-starred African expedition, but Henrique, on succeeding to the throne, felt his conscience much disturbed at this concession to apostasy. He applied to Gregory XIII who, by a brief of October 6, 1579, renewed the one of 1568, and permitted Henrique to revoke the grant made by Sebastian.[1] As Portugal the next year passed into the hands of Philip II, we hear nothing more of exemption from confiscation.

It is somewhat remarkable that João neglected to extend to his colonial possessions the blessings of the Inquisition. The New Christians had largely availed themselves of the opportunities presented by the colonial trade, and had established themselves in Goa and its dependencies. The comparative freedom there had doubtless encouraged them to observe less caution than at home, for St. Francis Xavier had scarce begun his missionary labors when he was scandalized by what he saw and, on November 30,

1767, by Diogo Barbosa Machado, of which there are copies in the Public Library of Coimbra. See Professor R. J. H. Gottheil, in *Jewish Quarterly Review*, October, 1901, pp. 90–1.

These lists are probably defective for the early years. A contemporary, writing in 1564, states that for a number of years there had been burnt annually from twenty to forty persons and two hundred penanced.—Bibl. nationale de France, fonds italien 430, fol. 109.

[1] Corpo Diplomatico, IX, 150; X, 315, 546, 556.

1545, he wrote urgently to the king as to the necessity of an inquisitorial tribunal. No response was made to his appeal. João died June 11, 1557, leaving the crown to his grandson Dom Sebastian, a child in his third year, under the regency of the dowager Queen Catalina, who resigned it, in 1562, in favor of Cardinal Henrique. The Regency was more mindful of the spiritual needs of the Indies than the late king and, in March, 1560, Henrique sent to Goa as inquisitor Aleixo Diaz Falcão who, by the end of the year, founded a tribunal which in time earned a sinister renown as the most pitiless in Christendom.[1] When Lourenço Pirez, the ambassador at Rome, learned through Egypt of this establishment, he expressed to the Regency his apprehension that this zeal for religion would prove a disservice to God and to the kingdom, for it would drive to Bassorah and Cairo many who would aid the enemy in both finance and war.[2] His prevision was justified more fully than he anticipated for, to the activity of the tribunal was largely attributable the decay of the once flourishing Indian possessions of Portugal. After exhausting the New Christians, it turned its attention to the native Christians, who rewarded so abundantly the missionary labors of the Jesuits, for Portugal did not follow the wise example of Spain in exempting native converts from the Inquisition. It was impossible for these poor folk to abandon completely the superstitious practices of their ancestors, and any relapse into these, however trifling, was visited with the rigor with which were treated similar lapses by the Conversos of the Peninsula. Even Philip II recognized the impolicy of this and, in 1599, he procured from Clement VIII a brief empowering the inquisitors to commute the penalties of relaxation and confiscation for relapse, up to a third relapse but no further, and the faculty was limited to the term of five years.[3]

It is not a little remarkable that no tribunal was established in Brazil, although the New Christians who abounded there proved a very troublesome element, from the encouragement which they

[1] Sousa, Aphor. Inquis., De Origíne, § 6.—The *Relation de l'Inquisition de Goa* by Dr. C. Dellon (Paris, 1688) giving an account of his sufferings there, is well known. It has been translated into Portuguese, with copious notes and documents, by Miguel Vicente d'Abreu (Nova-Goa, 1866), to whom we shall have occasion to refer.

[2] Corpo Diplomatico, IX, 112.

[3] Ibidem, XII, 77. A similar brief was issued by Urban VIII, April 22, 1625 (Ibid. p. 246) but, as it makes no reference to any preceding act, the presumption is that these were sporadic and not continuous grants of power.

gave to the Dutch in their efforts to obtain a foothold.[1] There was a commissioner there, but his powers were limited to collecting evidence and transmitting it with the accused to Lisbon, where they were tried and punished.[2] It may be worth noting that, in the treaty of 1810 with England, Portugal bound itself never to establish the Inquisition in its American possessions.[3]

In general, it may be said that the Portuguese Inquisition was modelled on that of Castile. A series of edicts issued by Dom Sebastian and Dom Henrique and confirmed by later kings, granted to officials and familiars the privileges, exemptions and immunities which they enjoyed in the sister kingdom. This gave rise to similar quarrels and *competencias*, and to a multiplication of the privileged class even greater than in Spain. In 1699 we find Dom Pedro II endeavoring to enforce a decree of 1693, which limited to six hundred and four the familiars allowed in the larger towns, while small places were to be reduced to one or two each.[4] The main difference in the organization of the Inquisitions of the two kingdoms was in the Portuguese officials known as *deputados*, of whom at least four were appointed by the inquisitor-general, as assistants to the three inquisitors constituting each tribunal. They were required to possess qualifications entitling them to promotion as inquisitors; they performed such duties as might be assigned to them and, in the consulta de fe, they replaced the Spanish consultores, with the distinction that they cast decisive and not merely consultative votes. To render a sentence legal at least five votes were required besides that of the Ordinary.[5] There was no appeal from a definitive sentence, for the reason that it was not made known to the culprit before the auto in

[1] For these forgotten struggles see some elaborate papers by the Rev. George Edmundson in the *English Historical Review* for 1899 and 1900.

[2] In the Lisbon auto of March 14, 1723, there are few Judaizers and all are residents of Portugal. In that of October 10, 1723, the Judaizers are numerous and a large portion of them are from Brazil. Evidently a fleet had arrived during the interval.—Royal Library of Berlin, Qt. 9548.

In 1618, however, we hear of an inquisitor sent from Portugal to Brazil, whose operations speedily drove numerous New Christians to seek refuge in Spanish territory.—J. T. Medina, La Inquisicion en las Provincias del Plata, pp. 155–61 (Santiago de Chile, 1900).

[3] Miguel Vicente d'Abreu, p. 115.

[4] Did. Guerreiro Camacho de Aboym, De Privilegiis Familiarum etc., pp. 12–18, 21 (Ulyssipone, 1759).

[5] Francisco de Castro, Regimento do Santo Officio da Inquisição dos Reynos de Portugal, Liv. I, Tit. i, § 1; Tit. iii, §§ 13, 14; Tit. v, § 6; Liv. II, Tit. ii, § 13 (Lisboa, 1640).—Sousa Aphor. Inq. Lib. I, Cap. i, n. 14.

which it was pronounced, but all interlocutory sentences and intermediate proceedings were subject to appeal, and the Supreme Council came to exercise minute supervision over every act of the tribunals even earlier than we have seen was the case in Spain.[1] The minuteness, indeed, of the details prescribed in the *Regimento* of Inquisitor-general de Castro, printed in 1640, left little to the discretion of the inquisitor, and their systematic arrangement, in an authoritative code of procedure, affords a strong contrast to the cumbersome and often contradictory *cartas acordadas*, which lumbered up the *secreto* of the Spanish tribunals.

Although the object of the Inquisition was the purification of the land from Judaism, it was not confined to this, and it early proved that it could exercise its blighting influence on the intellectual development as well as on the material prosperity of Portugal. Among the learned foreigners whom André de Gouvêa, at the request of João III, brought to Portugal, in 1547, to found a college of arts in his University of Coimbra, was George Buchanan, as professor of Greek. Gouvêa died within a year, and soon afterwards the foreigners were driven out to be replaced by Jesuits, who were becoming the dominant power in the land. The process was a simple one. Buchanan and two others were prosecuted by the Inquisition and thrown in prison. The accusation against the former was that he had written a poem against the Franciscans, that he had spoken disrespectfully of the friars, that he had eaten meat in Lent, that he had said that St. Augustin's views on the Eucharist were akin to those condemned by Rome, and generally that he was thought to be ill-affected towards the Holy See. After incarceration for eighteen months, he was sentenced to reclusion in a monastery for instruction by the monks, whom he describes as good-natured enough but wholly ignorant. On his liberation João offered to retain him, but he took the earliest opportunity to escape to England.[2]

[1] De Castro, Regimento, Liv. II, Tit. xxiii.

[2] Georgii Buchanani Vita ab ipso scripta.—Lopez de Mendonça, Damião de Goes e a Inquisição de Portugal, p. 21 (Lisboa, 1859).

The poem on the Franciscans was written at the request of James V of Scotland. It forced Buchanan to leave the country and, before venturing to Portugal, he made his excuses for it to King João. A brief extract will show its temper:—

> At nunc posteritas, vera pietate relicta,
> Degenerem quæstum sordesque secuta, caducas
> Cogit opes, ficta et sub relligione pudendos
> Occultat mores et, fama innixa parentum,
> Seducit stolidum pietatis imagine vulgus.

A still more effective deadening of intellectual aspiration was the persecution of Damião de Goes, the foremost scholar of Portugal in the sixteenth century. When a youth of 22, he had been sent to Flanders as secretary to the Portuguese factory. It was not until 1528 that his thirst for learning was awakened, he studied Latin, went to Padua, and speedily made himself known to scholars throughout Europe. In 1545, João recalled him to Portugal, where rivalry arose between him and Simon Rodríguez the Jesuit Provincial, who had met him in Padua and now accused him to the Inquisition for heretical utterances made there nine years before, the details of which he could not remember, but had a general impression that they were Lutheran. Nothing came of this and, in 1550, Rodríguez repeated his accusation, with the same result. Goes made enemies in his literary career and, in 1571, the denunciation of Rodríguez, made twenty-six years before, was resuscitated. He was now seventy years old, he had been an invalid for twenty years, and was scarce able to stand, but he was cast into a dungeon, April 4, 1571, while his trial dragged on. No further evidence of any account could be found against him, but he freely confessed that, when he went to Flanders, he fell into the errors of considering indulgences of little value, and that general confession sufficed; that after learning Latin and studying, he had abandoned these errors and had since been strictly orthodox; at the request of Cardinal Sadoleto he had written to Melanchthon, in hopes of winning him over, and he had given a letter of introduction to Luther to Frei Roque de Almeida, whose object was to acquire a knowledge of the heresy so as to confute it. On this confession exclusively was based the sentence, which declared him to be a Lutheran heretic, but considering that it was when he was an ignorant youth of 21 and that, on learning Latin, he had abandoned his errors, he was mercifully condemned only to reconciliation, confiscation, and perpetual prison, the abjuration to be private in view of his quality and his reputation abroad. The monastery da Batalha was assigned as his prison, and the certificate of his delivery there is dated December 16, 1572; on the 9th the *juez do fisco* had already received the certificate of confiscation. The "perpetual" prison of the Portuguese Inquisition must have been temporary, like the Spanish, for Goes is said to have died in his own house, either by apoplexy or killed by his own servants, at a date which is not

known.[1] If forty years of orthodoxy could not atone for a youthful vacillation on one or two points of faith, it can readily be estimated how potent an instrumentality was the Holy Office in stunting the development of Portuguese intellect.

When, in August, 1578, Cardinal Henrique succeeded to the crown of his grand-nephew Sebastian, he did not resign the inquisitor-generalship for fifteen months. He had previously, however, on February 24, 1578, on account of age and infirmity, procured the appointment as coadjutor, with the right of succession, of Manoel Bishop of Coimbra, but the latter disappeared with his sovereign in the disastrous rout of Alcazar-Quibir, and it was not until December 27, 1579 that, at Henrique's request, Gregory XIII replaced him with Jorje de Almeida, Archbishop of Lisbon.[2] Henrique's death soon followed, January 31, 1580, when he passed away, universally detested and only regretted because, in the rivalry of claimants to the throne, and in the exhaustion of the land through famine and pestilence, the way was open to the easy conquest by Philip II. In the reorganization under the Spanish crown, the Inquisition was not merged with that of Castile, but was left as an independent institution under the Archbishop of Lisbon, for Gregory XIII refused the request of Philip II for a brief adding it to the jurisdiction of the Spanish inquisitor-general.[3] The nomination, however, accrued to the Spanish crown and, in 1586, on Almeida's death, the post was given to the Cardinal-Archduke Albrecht of Austria, who was also Governor of Portugal.[4] With his advent, the activity of the Inquisition increased. In the twenty years, 1581–1600, the three tribunals held in all fifty autos de fe. Of these the records of five are lost, but in the other forty-five there were a hundred and sixty-two relaxations in person, fifty-nine in effigy, and twenty-nine hundred and

[1] Mendonça, Damião de Goes e a Inquisição de Portugal.

[2] Corpo Diplomatico, X, 537, 569.

[3] Llorente, Hist. crít. Cap. XIX, Art. iii, n. 6.

[4] Corpo Diplomatico, XII, 23. As Cardinal Albrecht was only 25 years of age a special derogation of the minimum rule was necessary in his case. More remarkable is the fact that his commission granted him jurisdiction over bishops

When Albrecht left Portugal, the commission of his successor, Antonio Bishop of Elvas July 12, 1596, contained no such provision; it enlarged his jurisdiction however from simple heresy to sorcery and divination and the censorship of the press.—Ibidem, p. 70.

seventy-nine penitents.[1] As the penitents, for the most part, must have suffered confiscation, we can estimate the severity of the persecution in a population so limited.

Large as must have been the receipts, from the beginning, derived from the confiscations of the wealthy New Christians, they were insufficient to satisfy its exigencies, diverted as they had been by the compositions paid to the crown. Sebastian, in continuing this practice, satisfied his conscience by representing to Gregory XIII that the income of the Inquisition did not exceed 5000 cruzados, which was insufficient for its support, wherefore the pope granted to it two-thirds of the fruits of the first prebend falling vacant in each of the Cathedrals of Lisbon, Evora and Coimbra and one-half of one in each of the other sees of the kingdom. It is probable that this evoked a sturdy resistance on the part of the churches, for it was never carried into effect and, when Philip II became master of Portugal, although the confiscations were no longer compounded for, he renewed the request, stating that 14,000 cruzados a year were requisite while the revenues did not exceed 10,000 ducats. Gregory responded with a brief of June 28, 1583 in which he renewed the grant, at the same time reducing it to one-half of a prebend in Lisbon, Evora and Coimbra and one-third in the other sees, nor is it likely that, under the stern rule of Philip, the grant was allowed to be nugatory.[2]

It is not difficult to apprehend the impulses which led to a wholesale emigration to Spain of those who felt themselves aliens in the land of their birth. Under Spanish rule the condition of Portugal was deplorable, as described, in 1595, by the Venetian envoy Francesco Vendramini. Lisbon, which had been a rich and populous city, was almost uninhabited; it formerly owned seven hundred ships, but five hundred had been captured by the enemy (mostly by the English) and but two hundred remained. All

[1] Historia dos principaes Actos, pp. 258–61, 294–7, 312–15.
The numbers in the respective tribunals are—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	29	6	559
Evora	98	16	1384
Coimbra	35	37	1036
	162	59	2979

[2] Corpo Diplomatico, XII, 14.

this was not, he says, displeasing to the king, who desired to keep them impoverished, because they were unwilling subjects.[1] Thus the rewards of commercial enterprise were more promising in Spain, and the emigrant might hope that, in the absence of knowledge of his antecedents, the danger of persecution would be less. The immigration thus was large, and before long its effects began to show themselves in the records of the Spanish Inquisition. Convictions for Judaism, which had become comparatively few, increased rapidly and, where the nativity of the delinquents happens to be specified, the term Portuguese occurs with ominous frequency. In 1593, Toledo had seven Portuguese on trial but, as there was but a single witness and they did not confess under torture, their cases were suspended. The next year the same tribunal held an auto in which appeared five Portuguese in person and nine effigies were burnt of others, either fugitive or dead.[2] In 1595, at Seville, there was an auto in which were punished eighty-nine Judaizers, besides four burnt in effigy, and soon afterwards, in Quintanar del Rey (Cuenca), there were thirty discovered, of whom the obstinate ones were burnt and the rest were reconciled.[3]

The Portuguese New Christians, both at home and in Spain, were growing restive under increasing pressure; they were wealthy and could afford to pay for a respite in the shape of a general pardon for past offences, including cases on trial. In 1602 negotiations were opened with Philip III for a papal brief to that effect; Portuguese orthodoxy took the alarm, and the Archbishops of Lisbon, Braga and Evora hastened to Valladolid, where the court lay, to present remonstrances. Spanish piety, to which such transactions were a novelty, was no less exercised, and direful predictions were made as to the evils that it would bring upon the land. Philip and his favorite Lerma, however, were desperately in need of cash, and all scruples were overcome by the dazzling bribe of 1,860,000 ducats to the king, besides fifty thousand cruzados to Lerma, forty thousand to João de Borja and thirty thousand to Pedro Alvarez Pereira, members of the Suprema Council, and thirty thousand to its secretary Fernão de Mattos. The papal brief was issued, August 23, 1604 but, at the last moment, the bargain came near being wrecked by the demand of the New

[1] Relazioni Venete, Serie I, T. V, p. 449.
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[3] Páramo, p. 304.

Christians to have eight years in which to raise the sum. A threat, however, to suspend the execution of the brief sufficed to bring them to reason.[1]

It empowered the Portuguese inquisitor-general, the Archbishop of Lisbon and the papal collector, or any two of them or their deputies, to reconcile all Portuguese New Christians, wherever they might be settled, with the injunction only of spiritual penances. It included all who were on trial, or who had been condemned provided their sentences had not been published. It released all confiscations that had not been covered into the fisc, and it gave to the Portuguese in Europe a year and to those outside of Europe two years, in which to come forward and avail themselves of its provisions. The reconciliation thus obtained was not to entail relaxation in case of relapse, and all inquisitors were forbidden to interfere.[2]

The brief was received in Valladolid about October 1st, but was not published in Lisbon until January 16, 1605. A royal cédula, however, was obtained, prohibiting the publication or execution of any sentences until this brief should take effect, thus including in its benefits all Portuguese who were in the hands of the Spanish tribunals, as well as in those of Portugal.[3] The effect of this was dramatically exhibited without delay. On October 20th the Seville tribunal announced a great auto de fe for November 7th. The stagings erected were on an unusually large scale; on the evening of the 6th took place the procession of the Green Cross, in which more than five hundred familiars participated; the people

[1] Cabrera, Relaciones, pp. 135, 141, 152, 227, 229.—Historia dos principaes Actos, p. 261.

The wealth of the Portuguese New Christians rendered such a payment an easy matter. In the memorial praying for pardon they admitted themselves to be worth eighty millions of ducats and, when Juan Nuñez Correa made an assessment among them, it was on the basis of seventy five millions.—Verdades Catholicas contra Ficciones Judaicas § 9 (MSS. of Bodleian Library, Arch Seld A, Subt. 17).

This is a memorial by Luys de Melo, dean of the Chapter of Braga, written in 1652, when he was a refugee in the Spanish court. He had probably been involved in the conspiracy against the Braganza dynasty, for which the Archbishop of Braga, Sebastian de Noronha, was executed in 1641. His paper is bitter against the New Christians but, as we shall have occasion to see, it contains much that throws light on the subject.

[2] Archivo de Simancas, Inq., Lib. 926, fol. 119.—Corpo Diplomatico Portugues, XII, 121

[3] Cabrera, Relaciones, pp. 230-1.

flocked in from the country in numbers beyond the capacity of the city to accommodate them. At night the confessors were introduced in the cells of those condemned to relaxation and, after completing all the preparations for the solemnity, the junior inquisitor, Fernando de Acebedo, sought his bed about eleven o'clock. Suddenly a courier arrived, armed with an order to admit him to the inquisitors, wherever they might be, whether in their houses or their beds, in consulta de fe or on the staging at the auto. He had left Valladolid at midnight on the 3d and, at break-neck speed, had made the distance to Seville in seventy-two hours, getting through the closed gates of the towns on the road, and arriving in time to serve on the inquisitors a royal cédula forbidding the celebration of the auto. Some there were who held that a royal decree was not to be obeyed unless rubricated by the Suprema, but this was an opinion not as yet established and, after a brief consultation, measures were hurriedly taken to suspend the celebration, to the blank astonishment of all Seville. Surmises were various, some explained it by the recent treaty with England, under which Englishmen in Spain were not to be troubled on account of heresy; others attributed it to the planets; others thought that among the condemned there was some one of lofty station and influence, whose friends had been able to save him, but the suggestion which found the widest acceptance was that it was due to the Portuguese New Christians, numerous and wealthy, who had offered large sums, estimated at eight hundred thousand ducats, to stave it off, and this was supported by the fact that the midnight horseman, before going to the Inquisition, had stopped at the house of Etor Autunez, a wealthy Portuguese merchant, who had given him fifty ducats for his good news.[1]

Under this *perdon general*, the three tribunals in Portugal liberated four hundred and ten prisoners simultaneously on January 16, 1605,[2] and there can be no doubt that the great body of Portuguese Judaizers in Spain obtained valid absolution for all past

[1] MSS. of Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo 4.

A quarter of a century later, in an argument against granting a similar pardon, we are told that the displeasure of God was not delayed for, on the very day when this auto was postponed, the silver fleet under Don Luis de Córdova was destroyed, inflicting an irreparable loss on Spain.—MSS. of E. N. Adler (Revue des Etudes Juives, No 99, p. 56).

[2] Historia dos principaes actos, pp. 261, 297, 315.

sins during the twelvemonth of its duration, although the Inquisition threw what obstacles it could in their way. In 1605, at Toledo, Antonio Fernández Paredes, a Portuguese on trial with three witnesses against him, was obliged to insist on his right under the pardon, and to argue that his wife Isabel Díaz had been released at Coimbra in virtue of it, until the tribunal referred the matter to the Suprema, which ordered his discharge, although subsequently, during the same year six other Portuguese were tried and sentenced without any reference being made to it.[1] Still, the hands of the Inquisition were tied and it lent its energies to detecting the Portuguese in new delinquencies. It sent out the brief to the tribunals, April 15th and, on April 20, 1606, it called their attention to the fact that the year had expired on January 16th, wherefore they were immediately to examine their records as to the Portuguese who had been discharged in virtue of the brief and to proceed against all who had not taken advantage of it as well as against those who had been guilty of heresy after its expiration.[2] Notwithstanding this, there must have been for some years a marked interruption of persecution. A writer remarks, in 1611, that in Seville the Castle of Triana was used as a penitential prison, for there was no one on trial, the Judaizers having all been pardoned, the Moriscos expelled and the Protestants suppressed.[3]

This episode, however could have no permanent influence and its chief interest lies in its manifestation of the numbers and wealth of the new class of offenders coming forward to replace the expelled Moriscos in furnishing material for autos de fe and in stimulating activity with the prospect of fines and confiscations. After this we hear little of the old Spanish Conversos; nearly all Judaizers are Portuguese and all Portuguese are presumably Judaizers—suspects who existed only on sufferance. In 1625, at Salamanca, the corregidor, in his nightly round, entered a tavern to arrest a priest who had committed murder. He had words with a party of Portuguese and forthwith arrested them all, charging them with being fugitives from the Portuguese Inquisition. He reported this to the Suprema, which communicated with the tribunal of Coimbra and they were all sent to it for trial.[4] When, in 1633,

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] Archivo de Simancas, Inq., Lib. 942, fol. 60.
[3] Revista de Archivos, Marzo, 1903, p. 216.
[4] Archivo de Simancas, Inq., Leg. 552, fol. 6.

an effort was made to remove the disabilities under which the New Christians labored, the Licenciate Juan Adan de la Parra, in an argument against it, urged as his principal reason the obstinacy of the Portuguese neophytes; even the advocates of the measure admitted that it would be inapplicable to them, and Parra pointed out the impossibility of distinguishing between them and the Castilians.[1]

Some efforts were made to check this influx and to prevent transit through Spain to France and Holland, where the refugees were of material assistance to the national enemies. In 1567, during the minority of Dom Sebastian, the old laws were revived forbidding New Christians to leave the kingdom, or to seek the colonies, or to sell real estate without a special royal licence. Sebastian subsequently repealed this, but it was renewed by Philip II, in 1587, and remained at least nominally in force, though difficult of execution. Partial relief was obtained, in 1601, when they paid Philip III two hundred thousand ducats for an irrevocable free permission to go to the colonies of both crowns, and to sell landed property but, with the faithlessness customary in dealing with the proscribed race, this irrevocable permission was withdrawn in 1610 and, in 1611 and 1612, the Suprema forwarded to the viceroy of Goa a royal provision ordering him to expel all of Jewish blood, to which he refused obedience, saying that all commerce was in their hands and the colonies would be ruined by their expulsion.[2]

Another decree of Philip III, April 20, 1619, called the attention of the inquisitor-general to the evils resulting from the multitudes of Portuguese passing, with their families and property, to France. All who could not show a licence under the Portuguese crown to leave that kingdom were to be seized and their property sequestrated without further orders, in accordance with which the Suprema promptly issued the necessary instructions to its commissioners in the sea-ports and frontier towns.[3] This doubtless led to increased restrictions in Portugal on emigration, and to it we may probably attribute an eloquent memorial, without date, from

[1] Pro Cautione Christiana, § 1 (MSS. of Bodleian Library, Arch Seld, 130).

[2] Luys de Melo, Verdades Cathólicas, § 4.—Bibl. nacional, MSS., D, 118, fol. 257, n. 68.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 6, n. 2, fol. 281, 341, 342.—Bibl. nacional, MSS., D, 118, fol. 250, n. 66.

the Portuguese New Christians, asking for the removal of all limitations. Gentlemen of the noblest houses, they stated, had intermarried with them, both in Portugal and the colonies, and they had lavished their substance in the good work of founding churches, embellishing cofradías, endowing chapels, and liberal almsgiving. Free permission to enter Spain would work no harm to religion, for the Inquisition was everywhere, and the benefit arising from unrestricted intercourse was manifested in the revenues derived from the frontier towns, which were formerly farmed out for thirteen millions of maravedís, irregularly paid, and now were farmed for thirty-six millions, attributable to the spices, perfumes, porcelains, stuffs and other wares brought in by them. It was the same with the Spanish manufactures exported through Biscay—the wools and cloths of Segovia, the silks and other goods. The only objection to free intercourse was that they might take advantage of it to seek other prohibited lands, and this was sufficiently answered elsewhere, in addition to the fact that Portugal had so many ports that emigration could not be prevented, as two hours sufficed to reach the sea and embark, while land travel was slow and expensive, and could be stopped at the frontier towns. The New Christians had greatly enriched the kingdom and the colonies by their labors. In Brazil, where they could hold real estate, nearly all the sugar plantations were in their hands, and these they were constantly increasing, to the great profit of the colony and of the revenue. As by law they were excluded from all offices and dignities, commerce was their only resource.[1] Possibly these representations may have been convincing, for the prohibition was withdrawn, to be subsequently renewed as we shall see.

If they desired to escape from Portugal, Portugal was quite as anxious to get rid of them, by extermination or otherwise. The pious intensity of hatred towards them finds expression, in 1621, in a ferocious work by Vicente da Costa Mattos, of which the declared object was to drive them from the land. All the old stories of their malice to Christians were raked together and set forth as uncontradicted truths. They were enemies of mankind, wandering like gypsies through the world and living on the sweat of others. They had possessed themselves of all trade, farming

[1] Bibl. nacional, MSS., D, 118, fol. 257, n. 68.

the lands of individuals and the royal patrimony, with no capital but industry and lack of conscience. They live only for the perdition of the world; of old, God punished those who ill-treated them, but now he punishes those who endure them; the decline of the Spanish kingdoms was the punishment sent by God for tolerating them. They were all idolators and sodomites, and wherever they went they infected the land with their abominations, and were constantly seeking to convert Christians to their foul belief. Luther commenced by Judaizing; all heretics were either Jews or descendants of Judaizers, as was seen in England, Germany and other parts where they flourished; Calvin called himself the Father of Jews, like many other deniers of the Trinity, and Bucer in his will declared that Christ was not the Savior promised. Their perverse obstinacy was sufficiently proved, by the numbers who were every day burnt, and the still greater numbers who escaped by penance after conviction.[1] This crazy ebullition of ignorant hate accorded so well with the prejudices of the time that a second edition was called for in 1633; in 1629 it was translated into Castilian by Fray Diego Gavilan Vera, and this was reprinted in 1680.

The hatred, indeed, was quenchless which was not satisfied with what the Inquisition was doing. In 1623 we chance to hear of the tribunal of Evora arresting a hundred New Christians of the little town of Montemor o Nôvo.[2] The autos de fe were frequently conducted on a scale unknown in contemporary Castile. The tribunal of Coimbra held one, August 16, 1626, with two hundred and forty-seven penitents and *relaxados*, another on May 6, 1629, with two hundred and eighteen and another on August 17, 1631 with two hundred and forty-seven. The statistics between 1620 and 1640 are not complete, for there were ten autos of which the details have not been preserved but, even without these, the fearful aggregate is two hundred and thirty relaxed in person, a hundred and sixty-one in effigy and forty-nine hundred and ninety-five penanced—and this is in addition to several hundred prisoners discharged under two pardons granted in 1627 and 1630, which

[1] Breve Discurso contra a heretica perfidia do Judaismo, fol. 67, 172 (Lisboa, 1623).

[2] Archivo de Simancas, Inq., Lib. 812, Lima, fol. 17.—In 1628 we find five refugees from Montemor earning their livelihood at Huelva.—Ib. fol. 18.

no doubt were heavily paid for.[1] Besides these pardons an Edict of Grace was published in 1622 but, as we have seen, such mercies were burdened with intolerable conditions, and only sixteen persons came forward under it—twelve in Lisbon and four in Evora—and all these had already been testified against.[2] In 1630, the royal confessor Sotomayor reported that, in interviewing the deputies of the New Christians, he found that they wanted no more Edicts of Grace; the last one, they said, had done them no good but much harm, as it brought infinite denunciations against them and filled the prisons.[3] There is very likely exaggeration, but nothing more than exaggeration, in the assertion of Luys de Melo that, in this period, the activity of the Inquisition had virtually depopulated the cities of Coimbra, Oporto, Braga, Lamego, Braganza, Evora, Beja and part of Lisbon, and the towns of Santarem, Tomar, Trancoso, Avero, Guimaraens, Vinais, Villaflor, Fundan, Montemor o Velho and o Novo and many other places, while the prisons of the three tribunals were always full and the autos so frequent that each tribunal celebrated one almost every year. One in Coimbra occupied two days, there being more than a hundred each day, and among them professors, canons, priests, curas with cure of souls, vicars-general, frailes, nuns, knights, including some of the Military Orders of kin with the highest of the land, and there was even a discalced Franciscan so pertinacious that he was burnt alive.[4]

[1] Historia dos principaes Actos, pp. 262–7, 298–301, 316–21.
The statistics of the respective tribunals are:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	75	51	1231
Evora	73	56	1891
Coimbra	82	54	1873
	230	161	4995

The pardons of 1627 and 1630 are indicated by the discharge of all the prisoners in the three Inquisitions (Ibidem, pp. 265, 299, 301, 319). These pardons were bitterly fought over. See the documents printed by E. N. Adler in *Revue des Etudes Juives*, No. 97, p. 66; No. 99, p. 54; No. 100, pp. 212, 216; No. 101, p. 99.

[2] Bibl. nationale de France, fonds italien, 1260, fol. 1, 1, § 11.

[3] See Adler's Documents, *Revue des Etudes Juives*, No. 100, p. 231

[4] Luys de Melo, Verdades Cathólicas, § 4. This statement is confirmed by a memorial of the New Christians, who complain that there is scarce a town that is not depopulated; a single arrest suffices to bring about the imprisonment of all the people.—Adler's Documents (Revue des Etudes Juives, No. 97, p. 63).

Notwithstanding these superhuman exertions the inquisitors complained that their labors were unavailing; Judaism was steadily increasing; the misfortunes of the land were attributable to the idolatry of this evil rabble, and they clamored for more drastic measures. The Supreme Council, January 17, 1619, addressed to Philip III a consulta urging that prompt action was necessary in view of the contamination, and of the infinite sacrileges committed, to the scandal of the faithful. The king, it said, did not want vassals only, but good vassals, and it therefore suggested that, when a penitent was condemned to confiscation, he should also be banished; he would thus be stripped of everything and would not take wealth to enrich the enemy as now was the case. It also said that a general visitation was on foot which had already produced much result; presumably there were many in Madrid who should be investigated, and the king was asked to order a visitation there. One member of the council, Mendo de la Mota, went even further, and wanted banishment for all required to abjure for vehement suspicion. Philip responded to this with chilling indifference; if those who abjured for suspicion were banished, they would take their money with them; it was a doubtful measure and he wished the council to consider it further; as regarded the Portuguese in Castile, if a list was furnished, with notes as to grounds for suspicion, he would have them investigated. The list was duly supplied, but the investigation was not made.[1]

The effort was resumed the next year. On April 30, 1620, the tribunals of Lisbon and Evora sent to Philip relations of the autos held by them on the previous September 29th, so that he might see the large numbers punished on those occasions, and recognize the necessity of more active measures of repression. Among them were three canons of Coimbra, three frailes and several lawyers. Six canons of Coimbra, all New Christians, had been arrested; they were all appointees of the pope, and the king was prayed to ask him to close the door on all applicants for benefices of that race; also to order that none should be admitted to the Church, either as seculars or regulars, and none to public office—which indicates how little the prohibitory laws were respected.[2]

The youthful Philip IV was scarce more than seated on the throne when, in 1622, Fernando Mascarenhas, Bishop of Faro,

[1] Verdades Cathólicas, § 5.—See Appendix.

[2] Bibl. nacional, MSS., D, 118, fol. 250, n. 66.

urged him to provide some remedy for the political dangers apprehended from the New Christians. It was in evidence, he said, that they were all secretly Jews and the state was in great peril from them as they were very numerous. There was no city in which they were not powerful through their wealth and the important positions held by them, while the danger of detection and punishment might lead them to cause serious trouble through alliance with enemies. It was found that they secretly invested their capital in dealings with the Dutch, and in Dutch commercial companies and, if they ventured their wealth with these rebels, they would conspire with them, especially as the Inquisition was pushing them hard, arresting them all and they had no other remedy.[1] Israel has rarely had a more flattering tribute to its intellectual superiority than the fears excited by this remnant surviving through near a century of pitiless persecution.

Doubtless there were other urgent warnings which have not reached us and, in 1628, Philip called for a formal expression of opinion from his Portuguese prelates. By his order they assembled at Tomar and summoned to their aid all who were most distinguished in the kingdom for learning and virtue. After prolonged debates they submitted to him a series of suggestions to which he replied seriatim. In view of the failure of all previous efforts to abate the evils wrought and threatened by the New Christians, the remedy they preferred was the thorough expulsion of the whole race; if this were not practicable, at least those who were full-blooded Jews, excepting such as could prove their Christianity, should be banished, and their property be confiscated; as for those of half or quarter blood, all should go who had been, or who in future should be reconciled, or sentenced to abjure *de vehementi*, unless inquisitors were satisfied of their true repentance and conversion. To this Philip replied, proposing delay in the case of the full-blooded Conversos, and assenting to the exile of the reconciled and vehemently suspect. For the further relief of the kingdom, the bishops proposed that all who desired could, within a year, irrevocably expatriate themselves, selling their property and taking with them the proceeds, but not in jewels or the precious metals. To this the royal answer was that already there was unrestricted liberty to go, but as evils had arisen from their return, in future it should be prohibited. The next suggestion was significant; to check the spread of Judaic infection,

[1] Bibl. nacional, MSS., D, 118, fol. 250, n. 66.

by intermarriage, which was destroying the lustre of the nobility, no dower in such unions should exceed two thousand cruzados, and the husband should be disabled from holding positions of honor and dignity. To the first clause the king assented; to the latter he said that the existing laws in favor of the nobility should be enforced. To prevent the constant profanation of the sacraments it was proposed that papal briefs should be procured prohibiting all entrance into the Church of all who were New Christians, even in the tenth degree. To this the king promised to apply for such briefs and meanwhile the bishops should refuse to install persons bearing dispensations and report to him, and also represent to the pope the evils attendant on such preferment. The next suggestion was that the king should ratify and enforce the prohibition to hold secular offices and dignities, to which he replied that it should be strictly enforced. Finally, the bishops proposed that the New Christians should be wholly excluded from trade and commerce or, if this was not possible, at least from that which concerned the royal revenues, but to this Philip answered rather curtly that it was none of their business.[1]

Such were the views of Christian prelates, and even the partial concessions of the king seemed sufficient to threaten the New Christians with virtual extinction, but the whole portentous transaction served only to put on record the extremes to which bigotry could reach. As Luys de Melo suggestively says, after giving the documents in full, the orders issued by the king were not executed, and it would be superfluous to explain the cause of this to any one acquainted with the methods of government of the period. Yet it had one result, for the New Christians, in fear of the threatened consequences, paid to King Philip eighty thousand ducats for the privilege of leaving Portugal and, under this, some five thousand families emigrated to Castile, besides a countless number of individual stragglers, so that it would be a wonder to find any place in Spain not filled with Portuguese Jews.[2] They

[1] Verdades Cathólicas, § 6. The suggestions of the bishops, and especially the expulsion of the New Christians, were the subject of much debate and long consultas. See Adler's Documents in *Revue des Etudes Juives*, No. 97, p. 67; No. 100, p. 217; No. 101, pp. 98, 115; No. 102, p. 251.

[2] Verdades, § 7. There is probably an error as to the payment for permission to emigrate. The New Christians in a memorial state that to obtain it they took 240,000 ducats of government loans, and they complain bitterly of the obstacles thrown in the way of their leaving the kingdom.—Adler's Documents (Revue des Etudes Juives, No. 97, pp. 58–63; No. 100, pp. 224, 228).

felt themselves in perfect safety, for the Castilian tribunals refused to honor requisitions from those of Portugal.[1] Efforts were also made to obtain modification of procedure, but in vain. By a cédula of December 20, 1633, Philip expressed his approbation of the existing rules and refused all change; moreover, he gave to Inquisitor-general de Castro all the memorials, petitions and arguments presented to him, thus furnishing to the Inquisition the names of those upon whom to wreak its vengeance.[2]

The question of transit to France came up again in 1632, when the Suprema notified Philip that the commissioner at Pampeluna reported that troops of Portuguese families were passing into France, many of them people of wealth, with litters and coaches, and the Inquisition did not interfere with them, as the last instructions were that they should not be impeded. The result of this representation was that the orders of 1619 were repeated.[3] Not content with retaining those who wished to expatriate themselves, when the Admiral of Castile, in 1636, captured Saint-Jean de Luz, and there were hopes of conquering Guienne, which was ripe for revolt, the Inquisition took steps to seize the refugees who might have settled there, though it had no evidence that they were Judaizers. It assumed that they were apostates and as such not included in the promises held out to the inhabitants at large, and that anyhow the cause of the faith was privileged. The king was therefore asked to order the admiral to send to the border all whom its agents might designate, so that they could be seized without attracting attention.[4] It is possible that some victims

[1] Verdades, ibidem, § 7.—It is remarkable that, at this period, there was no arrangement for extradition between the two institutions under the same crown. We have seen (Vol. I, p. 253) the concordia entered into in 1544, which continued in force at least until 1580. Subsequently it fell into abeyance and, in 1637, we find the Suprema asking the tribunals what was their custom (Arch. hist. nac., Inq. de Valencia, Leg. 9, n. 1, fol. 295). This was evidently in preparation for an agreement made in 1638 for mutual extradition. The rebellion of 1640 of course put an end to it, but after the independence of Portugal was recognized, it was revived in 1669, though consultation with the Suprema was prescribed before surrendering persons claimed. All information asked for was to be freely exchanged, especially as regarded limpieza (Ibidem, Leg. 10, n. 2, fol. 78).

[2] Bibl. nationale de France, fonds italien, 1260, fol. 1, I, §§ 11, 30; II, §§ 5, 31; fonds latin, 12930, fol. 131.

[3] Archivo de Simancas, Inq., Lib. 20, fol. 150.—MSS. of Royal Library of Copenhagen, 218b, p. 240.

[4] Archivo de Simancas, Inq., Lib. 21, fol. 67.

may thus have been procured during the brief time in which the Spaniards held their advantage.

The refugees, however, mainly bent their steps to Holland, where they enjoyed free toleration and could work for their own advancement and the detriment of their oppressors. This was the leading cause of the effort to prevent emigration, and it was a matter of much concern. Luys de Melo says that there had passed to Holland more than two thousand families and, in those rebel states, they had purchased the right to establish synagogues. Those who publicly Judaized there were the same as those who, quitting Portugal as *sanbenitados*, published that their confession of Judaism was under coercion of the Inquisition. Many who had lived in misery in Portugal were rich in Holland; they paid contributions to those rebel states, and assisted to maintain their fleets and armies; they invested largely in the East India Company, and thus were absorbing a great part of Spanish commerce and, under feigned names and in vessels of the United Provinces, they did a large trade in contraband goods.[1] In short, their commercial aptitudes were impoverishing Spain and enriching her enemies. The writer unconsciously points out how large a part intolerance played in the decadence of the state.

Nor was this the only mischief wrought by their hostility to the land that had driven them forth. In 1634, the Capitan Esteban de Ares Fonseca, in a memorial to the Suprema, represents the refugees in Holland as aiding actively the enemies of Spain, and as holding constant correspondence with spies residing there in the guise of merchants. The Dutch West India Company, he says, was controlled by Jews, who were large stockholders, and its chief profits were derived from piracy in the colonies, especially those of Portugal on the Brazilian coast, where the New Christians were numerous and were in correspondence with the enemy. It was two Jews, Nuño Alvarez Franco and Manuel Fernandez Drago, residents of Bahía, who planned and executed the capture of that place by the Dutch in 1625. Franco, he adds, now lives in Lisbon as a spy, under orders from Holland, and his brother Jacob Franco carries intelligence back and forth disguised as a Fleming of Antwerp. Drago is still in Bahía; he is a great rabbi and teacher of the Jews, and moreover is a spy who last year sent word to the Dutch to return there. The capture of Pernambuco

[1] Verdades Cathólicas, § 4, n. 4.

was the work of the Jews of Amsterdam, chief among whom was Antonio Vaez Henriquez, known as Cohen, who had lived there, who arranged the plans and accompanied the expedition; he is now residing in Seville as a merchant, but is nothing but a spy. Last year he went to Amsterdam with a plan for the capture of Havana, where he has a correspondent named Manuel de Torres. At present a large fleet of eighteen sail is fitting out for the relief of Pernambuco, under command of David Peixoto, a Jew, who proposes to call at Buarcos and penetrate to Coimbra, where the Inquisition is to be burnt and the prisoners are to be liberated. It was a Jew of Amsterdam, named Francisco de Campos, who took the island of Fernando de Noronha; it could readily be recaptured, as it has a garrison of only thirty-four men with four cannon. In San Sebastian, there is a Jew named Abraham Ger, who calls himself Juan Gilles, under Dutch pay; he works much mischief to Spain and keeps a man named Rafael Mendez, who is constantly travelling back and forth.[1]

We need not accept all this as literally true, but it had an undoubted substratum of fact. In 1640, the tribunals of Lima and Cartagena de las Indias reported that in recent autos de fe it had been discovered that many Judaizing Portuguese in the colonies had correspondence with the synagogues in Holland and the Levant, assisting the Dutch and the Turks with information and money. To verify this, orders were given to open, on a certain day, all letters addressed to Portuguese throughout Spain. The information was found to be true; a cypher was discovered, used in correspondence with the synagogues of Holland, and further, that a million and a half of money had been pledged from Spain. The matter was appropriately referred for investigation to the inquisitor-general and two inquisitors.[2] What was the result, we have no means of knowing, but we may be reasonably sure that the rumors, which attributed to the New Christians of Portugal a share in the rebellion of 1640, were not wholly without foundation.

They certainly benefited at first by the change of masters. It is true that João IV conciliated the Inquisition by intervening in its favor in a quarrel which it had, in 1643, with the Jesuits of Evora, and by attending, with his family and court, two autos de fe held in Lisbon, April 6, 1642 and June 25, 1645, in one of

[1] Archivo de Simancas, Inq., Lib. 49, fol. 45.

[2] Pellicer, Avisos históricos (Semanario erúdito, XXXI, 123).

which there were six relaxations in person and four in effigy, with seventy-five penitents, and in the other eleven relaxations in person and two in effigy, with sixty-one penitents,[1] but this we may assume to have been a matter of policy rather than of conviction, for his tendencies were towards liberality. He is even said to have contemplated granting freedom of conscience and liberty of residence to Jews, but to have been forced to abandon the purpose by the stubborn resistance of the inquisitor-general Francisco de Castro, Bishop of Guarda,[2] but this is probably a Spanish exaggeration of an intention to modify the rigor of inquisitorial procedure, which he was obliged to forego through the impossibility of obtaining the requisite papal confirmation.[3] Spanish influence in Italy sufficed to prevent the Holy See from recognizing or holding relations with the House of Braganza, until, by the treaty of Lisbon in 1668, Spain abandoned her futile efforts at reconquest—a position which resulted in the vacancy of the Portuguese sees, as the bishops dropped off, until there was but one left, Francisco de Sotomayor, a Dominican who chanced to be bishop of Targa *in partibus* and who was made Bishop of Lamego in 1659.[4]

This impossibility of negotiating with Rome rendered necessary an indirect method of accomplishing his desire to abolish confiscation, which he recognized as a serious impediment to commercial credit and prosperity, especially through the sequestration of property at arrest. As it was provided by the canons it could only be abrogated by a papal rescript, and to evade this difficulty,

[1] Corpo Diplomatico, XII, 360, 412, 416.—Historia dos principaes Actos, pp 268–71, 300–1, 320–1.

There was some falling off in the work of the tribunals during the decade 1641–50. The aggregates are:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	37	14	341
Evora	5	9	632
Coimbra	8	36	143
	50	59	1116

[2] Pellicer, Avisos históricos (Semanario erúdito, XXXII, 66, 188).—Llorente, Hist. crít., Cap. XIX, Art. iii, n. 7.

[3] Antonio de Vieira, S. J., asserts this in a letter to the Regent Pedro.—Relação exactissima, p. 140 (Veneza, 1750).

[4] Gams, Series Episcoporum, p. 102.—Anno historico Portuguez, II, 557.—Coleccion de Tratados de Paz; Felipe IV, Parte VII, pp. 485, 650.

in his decree of February 6, 1649, he disclaimed all intention of interfering with the functions of the Holy Office, which should continue to include confiscation in its sentences but, after this declaration, he made to the culprits a free gift of their forfeited property, which they could dispose of at will, provided it was in favor of Catholics, and he also abolished sequestration at arrest. But this was not only a free gift but a binding contract, under which the merchants engaged to form a trading company to enrich the country with colonial commerce and to provide, at its own expense, thirty-six war ships to serve as convoys for the merchantmen, all of which was impossible so long as the capital of the company was liable to be imperilled by sequestration and confiscation imposed on the shareholders. The inquisitor-general was ordered to have this decree filed in the secreto of the tribunals, and to enforce its observance, while João obligated himself never to revoke it.[1] The Inquisition subsequently boasted that it had excommunicated all who advised the king to this measure, and it actually succeeded in obtaining from Innocent X a brief of October 25, 1650, thanking God for what it had done and urging it to persevere.[2] Notwithstanding this, the Companhia da Bolsa was organized and, through its means, Pernambuco was recovered from the Dutch. There was flattering prospect of restoring Portuguese commerce but, when João IV died, in 1656, leaving the kingdom under the regency of his widow Lucía de Guzman, during the minority of Affonso VI, the Inquisition not only resumed confiscation but proceeded to collect the arrears since 1649. Altogether, Padre Vieira tells us, about 1680, they had gathered in up to that time some twenty-five millions, of which not more than half a million cruzados reached the royal treasury.[3]

When Bishop de Castro died, in 1653, the attitude of the Holy See towards Portugal precluded the appointment of a successor, and the General Council acted from that date until 1672, when

[1] Printed in the "Noticias reconditas y posthumas del Procedimiento de las Inquisiciones de España y Portugal," pp. 1–8 (Villafranca, 1722).

[2] Bibl. nationale de France, fonds latin, 12930, fol. 11. Under this, Padre Antonio Vieira, S. J., must have been excommunicated for, in the Public Library of Evora there is a MS. entitled "Razoes que o Padre Antonio Vieira representou a D. João 4 a favor dos christãos novos para se lhes perdoar a confisção dos bens sendo sentenceados no Santo Officio"—Prof. Gottheil in *Jewish Quarterly Review*, Oct., 1901, p. 89.

[3] Relação exactissima, p. 93 (Veneza, 1750).

D. Pedro de Lencastre, Archbishop of Side, *in partibus*, was appointed. The lack of a head seems rather to have stimulated than to have repressed its energies, and one can scarce comprehend how, after a century of such earnest work, so small a territory can have furnished so unfailing a supply of victims. Autos were held in each tribunal nearly every year, with so copious a number of culprits that occasionally they occupied two days, and one at Coimbra, in February, 1677, required three days to despatch its nine personal relaxations and its two hundred and sixty-four penitents. Peace or war seems to have made no difference. Evora celebrated an auto, June 23, 1663, with a hundred and forty-two penitents, although Don John of Austria, with a hostile Spanish army, was occupying the city.[1]

The explanation of this exhaustless reservoir of material for autos is to be found in the strictness with which the infection of blood was reckoned, without limit of generations; all who had the slightest admixture were reckoned as New Christians and were held to be Jews at heart. Intermarriages had been frequent, and so large a portion of the population was thus contaminated that foreigners generally regarded the Portuguese as all Jews.[2] Thus the field of operation of the Inquisition was almost unlimited, and every one whom it penanced became a source of stronger infection. The death of João IV removed what little restraint he may have ventured to exercise and, in 1662, the oppressed population, comprising so large a portion of the wealth and intelligence of the kingdom, made an attempt to purchase alleviation of suffering. A New Christian named Duarte, who had been penanced, in the name of his fellows, made a liberal offer of money and troops for the defence of the land, in return for a general pardon, the publication of witnesses' names and permission to found a synagogue in which professing Jews might worship. Considering that in Rome there was a synagogue, there is some inconsistency in the

[1] Historia dos principaes Actos, pp. 270–5, 300–3, 320–5.
For the years 1651–1673 the statistics are:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	68	18	868
Evora	54	41	2201
Coimbra	62	—	1724
	184	59	4793

[2] Padre Vieira, Discurso demonstrativo, p 121 (Veneza, 1750).

energetic brief of Alexander VII, February 17, 1663, denouncing the project and urging the Inquisition to resist it to the utmost.[1] Of course the attempt was abortive. Then, in 1671, the New Christians were suddenly threatened with a catastrophe. In the church of Orivellas, a pyx with a consecrated host was stolen. We have seen with what equanimity the Roman Inquisition regarded this offence, but in Portugal the whole kingdom was thrown into consternation. The Regent Pedro and the court put on mourning; an edict ordered that for some days no one should leave his house, so that everybody might be compelled to give an account of himself on the fatal night. All efforts to identify the sacrilegious thief proving fruitless, it was assumed that the New Christians must be guilty, and the regent signed an edict banishing them all from Portugal—a measure opposed by the Inquisition, doubtless because its occupation would be gone. Before the expulsion could be enforced, however, it happened that a young thief near Coimbra, named Antonio Ferreira, was arrested, and in his possession was found the pyx with its contents. The most searching investigation failed to discover in him a trace of Jewish blood; he was duly burnt and the New Christians were saved.[2]

After this narrow escape, there came a gleam of promise. Few members of the Society of Jesus, at that time, were more distinguished than Antonio Vieira, who had earned the name of the Apostle of Brazil. He had long regarded the New Christians with compassion and had urged João IV not only to abolish confiscation but to remove the distinctions between them and the Old Christians. He had made enemies and the Inquisition readily undertook his punishment; his writings in favor of the oppressed were condemned as rash, scandalous, erroneous, savoring of heresy and well adapted to pervert the ignorant.[3] After three years of incarceration, he was penanced in the audience-chamber of Coimbra, December 23, 1667, and his sympathy for the victims of the Holy Office was sharpened by his experience of its unwholesome prisons, where he tells us that five unfortunates were not uncommonly herded in a cell nine feet by eleven, where the only light came from a narrow opening near the ceiling, where the vessels were changed only once a week, and all spiritual consolation was

[1] Bibl. nationale de France, fonds latin, 12930, fol. 108.
[2] Ibidem, fonds italien, 1241, fol. 76.
[3] J. Mendes dos Remedios, Os Judeus em Portugal, I, 347–52 (Coimbra, 1895).

denied.[1] Then, in the safe refuge of Rome, he raised his voice for the relief of the oppressed, in numerous writings in which he characterized the Holy Office of Portugal as a tribunal which served only to deprive men of their fortunes, their honor and their lives, while unable to discriminate between guilt and innocence; it was known to be holy only in name, while its works were cruelty and injustice, unworthy of rational beings, although it was always proclaiming its superior piety.[2]

The Society of Jesus could scarce fail to resent the affront put upon one of its most distinguished members; it was still a power in Portugal, and it made its influence felt. The New Christians took heart and, in 1673, they made an organized effort to gain relief. They asked to have the procedure of the Inquisition modified to that of Rome and, in order that the new system might have a fair start, that a general pardon be granted to those under trial.[3] The extent of the considerations offered for these very moderate

[1] In the Lisbon auto of May 10, 1682, the acquittals were read of eight victims who were pronounced innocent, after perishing in prison (Bodleian Library, Arch Seld. A, Subt. 16). In one at Coimbra, February 4, 1685, there were fifteen effigies burnt of prisoners who had died during trial.—Historia dos principaes Actos, p. 327.

[2] I see no reason to doubt that the "Noticias reconditas y posthumas del Procedimiento de las Inquisiciones de España y Portugal con sus presos. En Villafranca, 1722" is an elaborate statement drawn up by Vieira for Innocent XI. It appeared again under the title of "Relação exactissima do Procedimento das Inquisiçois de Portugal. Presentada a o Papa Ignocencio XI pello P. Antonio Vieira, Da Companhia de Jesus. En Veneza con Licença do Santo Officio MDCCL." It is no more bitter than his other writings on the subject, and its somewhat florid style is natural to so popular a preacher.

The author of the "Authentic Memoirs concerning the Portuguese Inquisition" (London, 1761 and 1769) gives on p. 47 a translation of a passage of this work which he says he made from a well-attested MS. in Portugal. There were, he adds, several copies in the handwriting of Vieira, and also in that of a secretary of the Inquisition who fled to Venice.

The Venice edition contains also two shorter papers by Vieira, one entitled "Discurso Demonstrativo," addressed to a friend, and the other "Discurso Segundo," addressed to the Regent Dom Pedro. They bear internal evidence of genuineness and the latter is included in the list of De Backer (Bibliothèque des Ecrivains de la Compagnie de Jésus, V, 761-2), together with other MS. works of his in favor of the New Christians. A number of such MSS. are preserved in the Public Library of Evora.—Prof. Gottheil in *Jewish Quarterly Review*, October, 1901, p. 89.

[3] Bibl. nationale de France, fonds italien, 1241, fol. 44.

These official papers relating to the discussion in Rome were brought to Paris by Cardinal d'Estrées, at that time ambassador to the papal court.

concessions shows how desperate was the condition of the sufferers, for they proposed to place within a year four thousand troops in India, and then yearly to send twelve hundred men, or fifteen hundred in case of war, besides an annual payment of twenty thousand cruzados and various other considerable contributions, including some important matters which there were reasons for keeping secret.[1] Against this proposal the Inquisition protested in two elaborate remonstrances, revealing the temper in which it habitually exercised its powers. It could find no words too strong to describe the wickedness of the New Christians, whose invincible adherence to their errors showed that punishment and not pardon was the only means to be employed; in place of mitigating the laws they should be sharpened, as heresy was steadily increasing, and to ask for the Roman procedure was scandalous, and in itself worthy of punishment. The regent was told that he had no power to overthrow the laws and he was threatened, on the one hand, with an uprising of the people, and, on the other, with an appeal to the pope. In fine, the proposed reform would bring desolation on the land and result in Portugal becoming a Judea. On the other side, the arrangement was warmly supported by many ecclesiastics, to which Jesuit influence doubtless contributed. Not only did the Archbishop of Lisbon favor it, but also thirty masters and doctors of theology, the professors of the University of Coimbra, seven ministers of the Inquisition, and many men of high position among both the regular and the secular clergy. The regent and his council gave it their approval and the matter was referred to the pope for his decision.[2]

The debate was thus transferred to Rome where, in 1674, both sides submitted their arguments to the commission of Cardinals formed for the purpose. The advocates of the New Christians presented a scathing indictment of the Inquisition, doubtless one-sided and exaggerated and yet affording an insight into the abuses inevitable when secret and irresponsible power fell into unworthy hands. The great mass of victims, they asserted, were fervent and loyal Christians, who either were burnt for denying Judaism or obtained reconciliation by falsely confessing. A case occurring only the year previous, 1673, at Evora, was that of two

[1] Bibl. nationale de France, fonds italien, 1260, fol. 34.

[2] Ibidem, No. 1260, fol. 1, 1, §§ 10, 12, 13, 14, 16, 19, 24, 34, 36; fol. 34; No. 1241, fol. 34.

nuns, burnt as *negativas*. One of them had lived for forty years in her nunnery, with unblemished reputation and filling all the official positions in turn; the confessors who heard her before the auto were overcome by the fervent piety which she manifested and, when the procession was formed, she recognized among the penitents her own sister and neices, who had saved their lives by denouncing her. She pardoned them and made a most exemplary end, invoking Christ with her last breath as the garrote was applied. Indeed, it was the evidence of many confessors that the greater part of those to whom they ministered at the autos were true and fervent Christians, and this was confirmed by the University of Evora, by Padre Manoel Diaz, S. J., confessor of the crown-prince, and numerous ecclesiastics of high standing.[1]

The trade of false witness was a thriving one, both for gain and the gratification of enmity. There were regular associations of perjurers, who made a living by levying black-mail on rich New Christians, accusing those who refused their demands, so that the unfortunate class lived in perpetual terror and purchased temporary safety by compliance. The matter was reduced to a fine art. The accusing witness would give a fictitious name and address, so that the accused could never recognize and disable him. Sometimes, indeed, when additional evidence was necessary, a witness would change his name and garments and give the required corroborative testimony.[2]

As an illustration of the arbitrary abuse of power, allusion was made to a notorious case occurring at Evora, in 1643. According to custom, a student of the Jesuit college was appointed to superintend the market. The servant of an inquisitor desired to buy a load of honey, in order to retail it at an advance, but the student interposed, because it had already been purchased for the use of the college, and would only let the servant have enough to supply his master's table. For this he was imprisoned, tried, required to abjure and penanced as unsound in the faith. When the sentence was read in the presence of a number of ecclesiastics, the professor of theology, a Jesuit of high standing, appealed to the Holy See, to which one of the inquisitors replied that from

[1] Bibl. nationale de France, fonds italien, 1241, fol. 12, 22, 24, 30, 33.

Vieira, in his letter to the Regent Pedro, asserts that of a hundred negativos burnt there was not a single one guilty, and that this must continue so long as the procedure remained unchanged.—Discurso segundo, pp. 136–7.

[2] Bibl. nationale de France, fonds italien, 1241, fol. 8, 9, 23.

that holy tribunal the only appeal was to the Holy Trinity, and the unlucky appellant was gaoled and severely handled. Jesuits were not accustomed to such treatment; the matter was laid before Urban VIII, who summoned the inquisitors to appear before him but, in the confusion of the war with Spain, the affair blew over.[1]

The statements as to confiscation explain the tenacity of the Inquisition in maintaining its position. The crown supported the Inquisition and was entitled to the results of its industry, but obtained little. The sequestrations were in the hands of the tribunals during the trials, which were protracted for five, ten or twelve years to the intense distress of the prisoners. During this time the management of the property was irresponsible; no accounts were rendered and, of the immense sums received, only occasional trifling payments were made to the state. The inquisitor-general had authority to make donations to the inquisitors, and this was liberally exercised in granting them sums of six, or eight, or even fourteen thousand crowns at a time. Commerce was most disastrously affected for, when a merchant with foreign correspondents was arrested and his property was sequestrated, his foreign consignors or creditors clamored in vain for the goods or debts belonging to them and, as this was a fate overhanging every man, Portuguese trade suffered accordingly. In short, while we may not accept literally the assertion that the Inquisition brought irreparable ruin upon Portugal, we cannot but regard it as one of the largely contributing factors to the rapid decadence of the kingdom.[2]

The contest in Rome was stubborn, but the New Christians gradually gained the advantage and, on October 3, 1674, Clement X, as a preliminary, issued a brief reciting their complaints, in view of which he evoked to himself all pending cases and committed them to the Roman Inquisition, inhibiting further action in Portugal, under pain of deprivation of office and other penalties, for all officials, including the inquisitor-general. Coimbra treated this as a general pardon and, on November 18th, discharged all those under trial, but the other tribunals seem to have detained their prisoners. It was probably with the object of releasing them that, in 1676, Innocent XI instructed his nuncio to permit the inquisitors to finish the trials, but not to inflict sentences of relaxation, confiscation, or perpetual galleys. If this was the object,

[1] Bibl. nationale de France, fonds italien, 1241, fol. 127.
[2] Ibidem, fol. 42, 81, 159.

it was unsuccessful. The Inquisition was sullen and celebrated no auto de fe between the years 1674 and 1682, save three private ones in the Lisbon audience-chamber, in each of which there was but a single penitent.[1]

The inquisitorial agents in Rome denied the assertions as to the arbitrary injustice of procedure and the coercion of good Christians to confess Judaism by the terrible alternative of relaxation as negativos. In the conflict of statement, it was proposed that the truth could be ascertained by the examination of the records, and Innocent consequently ordered the transmission to Rome of the papers in some specimen cases of convicted negativos. The inquisitor-general, Verissimo de Lencastre, Archbishop of Braga, refused obedience, on the ground that it would reveal the secrets of procedure. The pope naturally pronounced the reason to be frivolous, and treated this imitation of Arce y Reynoso's course in the Villanueva affair with greater decision than his predecessor. After meeting repeated refusals, he peremptorily ordered, by a brief of December 24, 1678, that, within ten days after notice, four or five of the prescribed cases should be delivered to the Nuncio Marcello, under pain of *ipso-facto* suspension of the inquisitor-general and all his subordinates; if they continued to act, the inquisitor-general was interdicted from entering a church, and the others incurred excommunication removable only by the Holy See, while, during suspension, the episcopal Ordinaries were restored to their jurisdiction with full powers. Even this did not break down inquisitorial contumacy and, on May 27, 1679, another brief formally suspended them, while letters of the same date to the nuncio instructed him to prosecute them and report the result. This decisive action at length brought the partial submission that two processes were sent to the Portuguese ambassador to be delivered to the pope, but evidently this was deemed insufficient, for the suspension was not removed until 1681, when a brief of August 22d gave as a reason that the episcopal Ordinaries, owing to various impediments, had not been able to exercise jurisdiction and the prisoners were suffering through the delay. The raising of the suspension, however, was conditioned on the future observance of numerous modifications of procedure, under threat of reincidence of the penalties previously prescribed. The New Christians had especially asked for a change in the rule respecting

[1] Bullar. Roman. XI, 102, 198.—Historia dos principaes Actos, pp. 274, 324.

negativos but this, as we have seen, was unfortunately an essential part of the system and their desire was ungratified. The changes granted were of minor importance, and are interesting only as evidence of some specially iniquitous practices against which they were directed, and better treatment of prisoners was enjoined.[1]

Whether these modifications were observed and mitigated the rigor of procedure, whether the Inquisition was humbled and weakened by its defeat in the struggle with the papacy, or whether the material for its autos was becoming exhausted, it would be impossible now to determine, but there is no question that, after its resumption in 1681, the number of its victims diminished notably. The renewal of operations was celebrated by autos de fe held in the early months of 1682, with processions and illuminations and other demonstrations of rejoicing, but, in the nineteen years including 1682 and 1700, there were but fifty-nine relaxed in person, sixty-one in effigy and thirteen hundred and fifty-one penanced—an aggregate deplorable in itself, yet encouraging in comparison with its predecessors.[2]

From this sketch of the Portuguese Inquisition, we can readily estimate its efficiency in keeping the Spanish institution supplied with material as the native stock grew Christianized. Not the least unfortunate effect of this was its influence in maintaining the prejudice that might otherwise have subsided, and that consequently became one of race as much as of religion. The venom which we have seen in the work of da Costa Mattos was, if possible, exceeded in the *Centinela contra Judíos* of Padre Fray Francisco de Torrejoncillos, published as late as 1673 and reprinted in 1728 and 1731. In this popular exposition of Christian rancor, no story is too wild and unnatural to be unworthy of credence, if it illustrates the innate and ineradicable depravity of the Jew, and his quenchless desire to work evil to the Christian. The fables

[1] Bullar. Roman. XI, 102, 198, 260; VII, 38.—Discurso demonstrativo, p. 116.

[2] Historia dos principaes Actos, pp. 275–9, 303–5, 325–9.
The statistics are as follows:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	12	12	422
Evora	8	18	366
Coimbra	39	31	563
	59	61	1351

of the *Fortalicium Fidei* are repeated as incontestable truths, and new ones are invented to prove that the virus is as active as ever. It makes no difference if the Jew is baptized, for this does not change his nature and his faith, and he remains the same implacable enemy.[1] The same temper is manifested in a memorial, drawn up about this time by an inquisitor, in answer to a proposition for moderating the harshness of inquisitorial procedure. The writer was evidently a man of learning and culture, but his paper is a bitter tirade against the Jews, insisting upon their diabolical nature and asserting them to be much worse now than when they crucified Christ. The evil is in their blood, forcing them to hate and rage against Christ, the Virgin and all who profess the Christian faith.[2] Popular beliefs that they had tails, and that they were distinguishable by a peculiar odor which they exhaled and that, as physicians, they killed one out of five of their Christian patients, were persistent outgrowths of the hatred thus inculcated.[3] Even to call a man a Jew was an offence justiciable by the Inquisition, for when, in 1646, Padre Boil, a royal preacher, in a sermon stigmatized as a Jew Fray Enríquez, of his own Mercenarian Order, the tribunal of Toledo promptly sent for him and, after detaining him for six months, sentenced him to two years' exile from the court, during which he was forbidden to preach.[4]

When, about 1632, the New Christians made an effort to procure a removal of their disabilities, Juan Adan de la Parra who, though an inquisitor was a poet and a man of culture, opposed it in an elaborate essay, cautiously couched in Latin, for the matter was too delicate for popular discussion. He did not pander to vulgar prejudice, but addressed himself to arguments of state policy, which are a curious illustration of what, on such a subject, an intelligent man regarded as conclusive. He deplores the decline of population, of agriculture, of shipping and of the mechanic arts, which he attributes to the insidious practices of the Jews, their avoidance of manual labor and their addiction to usury. Look at Portugal, he says, where this traitorous race stimulated the ardor of foreign conquest, until it embraced the East and

[1] Centinela contra Judíos, puesto en la Torre de la Iglesia, Barcelona, 1731.

[2] Bibl. nacional, MSS., D, 118, fol. 227.

[3] Feyjoo, Theatro, T. VII, Discurso v, § vi.—Englishmen were long reputed to have tails, in punishment for the murder of Thomas Becket.

[4] Cartas de Jesuitas (Mem. hist. español, XVIII, 237, 255, 371).

West Indies, and then cunningly corrupted the native virtue with the wealth and luxury thus acquired, until they have succeeded in eliminating the heroes and destroying the heroic spirit which rendered Portugal so formidable. It is this craving for oriental luxuries, shrewdly stimulated by the New Christians, which is undermining the robustness of Spanish virtue; the useful is neglected for the superfluous, and thus agriculture declines. He scarcely seems to recognize the tribute which he pays to the superior endowment of the Jew, when he winds up by foretelling that, if the restrictions and disabilities imposed on the New Christians are removed, they will acquire such power that they will reduce the Old Christians to subjection.[1]

There was some foundation for the fear that the barriers between the races would be removed. In the exhaustion of Spanish finance, Olivares, in 1634, opened negotiations with the Jews of Africa and the Levant, and royal licences were granted for the admission of individuals. In 1641, relations were resumed; they sent representatives whom he received and kept with him for a considerable time, silencing the remonstrances of the Suprema with the assertion that they were there on the service of the king. It was proposed that they should be allowed to reside in the suburbs of Madrid, in a separate quarter, with a synagogue, as in Rome. He won over some members of the Royal Council and some theologians to his plans, but the Inquisition was inexorable, and Cardinal Monti, the nuncio, told the king, in public audience, that Olivares must be dismissed if the harvest of the Lord was to be cleansed of tares and the risk be averted of ruining the faith of Spain. Incidentally Olivares interfered with the Inquisition, by demanding the papers in certain cases; Inquisitor-general Sotomayor refused but, finding himself powerless to resist, placed the documents at the foot of a crucifix, whence they were carried to Olivares, who burnt them and released a number of prisoners. It is even said that he contemplated abolishing the Inquisition, but Philip IV was too profoundly convinced of its necessity to both Church and State to entertain the project, and there may well be truth in the assertion that his quarrel with the Holy Office was contributory to his downfall. This put an end to all nego-

[1] Juan Adan de la Parra, Pro Cautione Christiana, fol. 31–2, 34, 38 (Matriti, 1633).

tiations and, in 1643, we find the Suprema instructing the Valencia tribunal to forbid the landing of the Jews who were coming from Oran.[1]

Some stir was caused, in 1645, by two Jews, Salamon Zaportas and Bale Zaportas, who presented themselves in Valencia with a royal licence, dated in 1634, and one from the Marquis of Viana, Governor of Oran. They applied to the tribunal for permission to attend to their business in the city and to wear Christian garments, so as not to be mobbed. The tribunal was puzzled and ordered them not to leave the city under pain of two hundred pesos, while it consulted the Suprema. The latter represented to the king the danger impending on the faith from this disregard of his orders by ministers who issued licences, to which he responded with instructions to send them back to Oran: the causes leading to the cédula of 1634 no longer existed; if in future their coming were considered necessary, the Governor of Oran must report and await the royal decision and a special licence.[2] There is no reason to suppose that the venturesome Israelites had anything more important in view than private business.

One of the most prominent reasons urged for the establishment and perpetuation of the Inquisition was the zeal of the crypto-Jews in proselyting and the danger to which the purity of religion was thus exposed—an argument which served its purpose, however discrediting to the firmness of Spanish faith. Cases, however, were never cited in proof, nor could they be, for Judaism is a matter of race as much as of dogma; the Jews have never sought to convert the Gentiles and, in Spain of all lands, it was clearly preposterous that men, who could only exist by concealing their belief, would incur the certainty of detection and of pitiless punishment, by the unpardonable offence of seeking the apostasy of their Christian neighbors. What conversions there were were spontaneous, and these served to intensify the horror of Judaism and to keep alive the sense of danger arising from the presence of those suspected of cherishing the ancient faith. Fray Diogo da Assumpçao, burnt in Lisbon, in 1603, as a convert to the Law

[1] Cartas de Jesuitas (Mem. hist. español, XIII, 85).—Historia de Felipe IV, Lib VI (Coleccion de Documentos, LXXVII, 380).—Adolfo de Castro, Olivares y el Rey Felipe IV, pp. 133–4 (Cadiz, 1846).—Amador de los Rios, III, 546–7.—Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 2, fol. 224.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 222.—For the document containing the royal decision I am indebted to Elkan N. Adler Esq.

of Moses, is said to have been led to this fatal step by witnessing the constancy in martyrdom of those who suffered for their belief.[1] A more remarkable case was that of Lope de Vera, which aroused universal interest throughout Spain, and pointed the moral that the safety of religion lay in the ignorance of the faithful, thus justifying the prescience of Valdés, when he placed on the first Spanish Index a translation of Josephus's Antiquities of the Jews.[2]

Lope de Vera was the son of a gentleman of San Clemente, of gentle blood and limpieza. At the age of nineteen he was a student at Salamanca, so deeply learned in Hebrew and Arabic that, in July, 1638, he competed for a chair of Hebrew. His studies led him to embrace Judaism and, with the zeal of a convert, he sought to win over a fellow student, who denounced him to the Inquisition. There was a second witness, and yet the consulta de fe of Valladolid was not unanimous in voting his arrest; it had to be ordered by the Suprema, and was executed June 24, 1639. He freely admitted the truth of the accusation and much more, but denied intention, assuming that what he had said was for the sake of argument, and asserting that he went to confession and communion and carried a rosary. There was variation and equivocation in his successive audiences; there was delay and doubt on the part of the Inquisition, and the trial dragged on. On April 16th and May 23, 1641, he revoked all that he had confessed and then suddenly, on May 29th, he announced that he wished to be a Jew and to hold all that the Jews believed, for this was the truth revealed to them by God, which he would defend with his life. Hitherto he had believed what the Church taught, but now he adhered to the Law given by God to Israel; the religion of Rome and all other religions were false; he had never practised the Jewish observances but would do so in the future; no one had taught him this, but God, in his mercy, had brought him to the truth. Learned men were called in to wean him from his errors, but they declared his pertinacity to be terrible and that, with his knowledge of Hebrew, he would be most dangerous. He refused to have an advocate or to make defence, persisting that he was a Jew and would die for the Law of Moses. On August 8th the alcaide reported that he had circumcised himself with a bone, and the physician sent to examine him verified this and

[1] Amador de los Rios, III, 521.

[2] Reusch, Die Indices des sechszehnten Jahrhunderts, pp. 235, 436.

reported that he said he hoped to be burnt alive, for he sought the honor of martyrdom and would go to paradise.

Earnest and protracted efforts were made to reclaim him but in vain. Then he was asked to set forth the Hebrew texts on which he relied, so that the calificadores could confute them. To enable him to do this he was furnished, December 23d, with a Bible, paper, ink and a goose-quill, but the latter he rejected, saying that it was forbidden by the Law of Moses, and a bronze pen (pluma de bronce) was given to him. Further conferences followed, and much patience was manifested, until he refused absolutely to speak in the audiences. The baffled tribunal appealed to the Suprema, which ordered fifty lashes; he endured them unflinchingly on June 17, 1642, and maintained his unbroken silence. This was most obstructive, for his ratification of his confessions was necessary but, when they and the evidence were read to him, he closed his ears with his fingers and refused even to listen. It was proposed to torture him, but the Suprema humanely discarded formalities and ordered the case to be closed and voted upon. The vote was taken, January 27, 1643, to relax him with confiscation, but in confirming it the Suprema ordered further efforts for his conversion. There was no haste in executing the sentence. In January, 1644, he was still persisting in silence, except that, when the inquisitors made their weekly visits, he would cry "Viva la ley de Moisen," after which not another word could be extracted from him. At length, on June 25, 1644, he was burnt alive, maintaining to the end his unalterable constancy. The inquisitor Moscoso, in a letter to the Countess of Monterey, declared that he had never witnessed so ardent a desire for death, such perfect assurance of salvation, or such unconquerable firmness. His fate made a profound impression on his co-religionists. Some years later, Juan Pereira, a youth on trial before the Valladolid tribunal, referred to him repeatedly and declared that he had seen him after death, riding on a mule and glistening with the sweat that was on him when he was taken to the quemadero.[1]

Lope de Vera was a most undesirable convert, for his case could not fail to arouse afresh the dread of infection and to stimulate the Inquisition to increased activity. Yet such stimulus was scarce needed, for it was incessantly vigilant and was troubled with

[1] Archivo de Simancas, Inq., Leg. 552, fol. 26, 28, 29, 31, 36.—Cartas de Jesuitas (Mem. hist. español, XVII, 419, 493).—Basnage, Histoire des Juifs, IX, 744 (La Haye, 1716).—Pellicer, Avisos históricos (Semanario erúdito, XXXIII, 210).

few scruples when on the track of a suspect. An illustrative case offers itself when, in September, 1642, the tribunal of Galicia wrote to Valladolid that a prisoner on trial testified that Antonio López, in Manzaneda de Tribes, had practised Judaism, and it asked for his arrest. An Antonio López was readily found in Valladolid and was promptly thrown in prison, September 16th. He denied the accusation; no other testimony could be found against him and his trial dragged on until, February 3, 1644, there was a vote *in discordia*. The case went to the Suprema, which ordered further inquiry to be made of the Galician tribunal, when it was discovered that the prisoner had never been in Manzaneda. This should have been conclusive but, when another vote was reached, August 13th, it was again in discordia, and the Suprema again ordered investigations which proved fruitless. A third inconclusive vote was taken in 1645, and then the Suprema ordered the arrest of a second Antonio López, a painter, who had been discovered in Sanabria. He was arrested in December, 1645, and easily proved himself to be an Old Christian of strict observance, but to no purpose, for the blundering consulta de fe voted in discordia, April 30, 1646, and the Suprema ordered him to be exposed to threatened torture. He was stripped and bound on the trestle, but his nerves did not give way and he steadily asserted his orthodoxy. The resources of the baffled tribunal were now exhausted and, on July 14th, the Suprema ordered the cases to be suspended, when the two Antonio López were released—not acquitted—after one had been in prison nearly four years, and the other had been subjected to the agony of impending torture, merely because they bore a name which chanced to be mentioned in a distant tribunal as that of a Judaizer. Not quite so hard was the case of Gaspar Rodríguez, arrested by the tribunal of Valladolid, October 4, 1648, on the strength of advices from Cuenca, and discharged October 2, 1649, because it was tardily recognized that he did not correspond with the description of the real culprit.[1]

How slender was the evidence required when a Portuguese was concerned is seen in another case at Valladolid. When the inquisitor Pedro Múñoz made a visitation of Oviedo in 1619–20, two women testified that Lucía Núñez, a Portuguese settled in Benavente, put on clean chemises on Saturdays. When, March 5, 1620, the tribunal voted on the cases brought in by Múñoz, this

[1] Archivo de Simancas, Inq., Leg. 552, fol. 33, 37.

was suspended, but the Suprema ordered the papers to be sent to it and, on August 17, 1621, it instructed the tribunal to arrest Lucía and sequestrate her property. She was accordingly brought to Valladolid, October 30, 1621, and thrown into the secret prison. On her first audience, in reply to the ordinary question whether she knew the cause of her arrest, she said that it was because she changed her linen on Fridays and Saturdays, as she did every day, for the sake of cleanliness, especially when she was suckling her children, and she did not know that she was committing any offence. It was true that she was born in Portugal, but both her parents were Castilians and Old Christians. The trial went through its regular course; nothing else could be found against her and, on March 15, 1622, the consulta de fe voted to acquit her and lift the sequestration, which was done accordingly the next day, after nearly five months of incarceration.[1]

When this kind of work was on foot throughout Spain, it is easy to realize how the unfortunate Portuguese were tracked, from one refuge to another, by the implacable vigilance of the Inquisition, with its net-work of tribunals, in constant correspondence, and its commissioners and familiars everywhere on the watch. That vigilance was kept alive by the frequent discovery of communities of Judaizers, more or less numerous, whose trials revealed the names of abundant accomplices. The tribunal of Llerena was busy, from 1635 to 1638, with the "complicidad de Badajoz," a group of Portuguese, whom it had unearthed at Badajoz and, when the Suprema called for a list of those inculpated by the prisoners, whom it had not been able to arrest, they amounted to a hundred and fifty.[2]

In 1647, Juan del Cerro, of Ciudad Rodrigo, was a prisoner in the royal gaol of Valladolid. Apparently hoping for release, he denounced himself to the Inquisition and told a story of a congregation of Jews at Ciudad Rodrigo, which met every Friday in the house of the president, Pablo de Herrera, paymaster of the army on the Portuguese frontier, when the ceremony of scourging images of Christ and the Virgin was performed and then, during Holy week, they were burnt. Numerous arrests were made and the trials dragged on until 1651; torture was employed, parents and children, brothers and sisters testified against each other,

[1] Archivo de Simancas, Inq., Leg. 552, fol. 1.

[2] Ibidem, Lib. 812, Llerena, fol. 2–7. Cf. Ibidem, Cuenca, fol. 1–11; Lima, fol. 1 sqq.

but there were no pertinacious impenitents or negativos and none were relaxed. That Juan del Cerro's story of the outrages on the sacred images was recognized as fictitious is evident from the suspension of ten of the cases, including those of the so-called officers of the congregation, but the tribunal secured a satisfactory number of convictions, as well as fines amounting to thirty-seven hundred ducats. Juan del Cerro made nothing by his device for, though he was not prosecuted for false-witness, when the trials were over in 1651, he was handed back to the royal court.[1] Toledo was equally active for, in an auto held the same year, it had thirty two Judaizers in person and thirty effigies of fugitives.[2] Nearly the whole of these were Portuguese for, by this time, Castilian Judaizers were of comparatively rare occurrence. In the great Seville auto of 1660, out of eighty-one Judaizers, nearly all Portuguese, a group of thirty-seven were from Osuna and another of eight from Utrera. There were forty-seven reconciled, seven relaxed in person and twenty-seven in effigy.[3]

The numerous effigies which figure in the autos indicate those who were compromised in the confessions of the penitents, and who succeeded for a time in eluding arrest. As a rule it may be said that this was but a temporary reprieve from the all-pervading vigilance of the Inquisition. Sooner or later, it gathered thems in despite change of residence and name, and all the precautions of the hunted against the hunter. This is well illustrated in the vicissitudes of a colony of Portuguese, some twenty or thirty in number, in the little town of Beas (Jaen), which throw a vivid light on the miseries of these unfortunates. They had succeeded in living there obscurely for ten years or more, supporting themselves by such industries as they could follow, when some imprudence, or the watchfulness of some neighbor, drew upon them the attention of the tribunal of Cuenca, which arrested thirteen of them. From these the names of nine others were obtained, for whom warrants of arrest were issued but, when these were sent for execution, in April, 1656, it was found that they had left Beas secretly in February, abandoning their property. Five of them were traced to Málaga; the other four were said to have gone to Pietrabuena, but there the track was lost. All were duly

[1] Archivo de Simancas, Inq., Leg, 552, fol. 38.
[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[3] Relacion histórica de la Judería de Sevilla, pp. 94–8 (Sevilla, 1849).

prosecuted in absentia and their effigies formed part of the Seville auto of 1660.

The party that went towards Portugal was a family group of five—Diego Rodríguez Silva, his wife Ana Enríquez, her father Antonio Enríquez Francia, and her brother and sister-in-law, Diego Enríquez and Isabel Rodríguez. They pushed through without stopping to Rioseco, where they rested four days and then, hiring a guide, they traversed the mountains of Portugal, travelling only by night. Settling in Villa Pinhel, they tried to mend their broken fortunes, Ana Enríquez by keeping a shop and Diego Rodríguez by turning his hand to whatever he could find to do—at one time we hear of him as driving a thousand sheep to Lisbon for sale. Apparently by way of precaution, they appeared spontaneously before the tribunal of Coimbra, which treated them mercifully, imposing no fines but ordering them not to leave Pinhel without permission. Misfortune pursued Diego and, in 1671, he returned to Spain, stopping at Talavera de la Reina, whence he sent for his wife and children and father-in-law, telling the rest to remain. He took the name of del Aguila for himself and de los Rios for his wife, and settled for two years in Seville, where his father-in-law died. Thence they removed to Daimiel, where the Inquisition found them at last and arrested them, February 18, 1677, some seventeen years after they had been burnt in effigy in Seville. As two or three of the Beas fugitives, who had gone to Málaga, were on trial at Toledo in 1667, it is probable that none escaped save those who remained in Portugal. Two years and a half were spent on the trials of Diego and Ana, ending with a sentence of irremissible prison and sanbenito. Ana had broken down under this wandering life of incessant vicissitudes and anxiety; she had become the victim of epilepsy, melancholia and hypochondria, when her pitiless judges sent her to prison for life in vindication of a religion of infinite love and charity.[1]

An even more pitiful illustration of the miseries endured by these unfortunates, under the implacable vigilance of the Inquisition, is afforded by the case of Isabel, wife of Francisco Palos, of Ciudad Rodrigo. In 1608, when 22 years of age, she was tried by the Valladolid tribunal. Subsequently she was tried twice, in 1621 and 1626, at Llerena, twice at Cuenca, in 1653 and 1655, and finally in 1665 at Toledo. Altogether, about eighteen years

[1] Procesos contra Diego Rodríguez Silva y Ana Enríquez (MSS. *penes me*).

were spent in these trials; the last one, in which she was thrice tortured, continued until 1670, when she was in her eighty-fourth year and eluded her tormentors by dying in prison, to be burnt in effigy with her bones as a *difunta*.[1]

Little colonies of Portuguese, like that of Beas, were frequently discovered. Simon Múñoz of Pastrana, on trial at Toledo, in 1679, gave the names of twenty-nine accomplices residing there, nearly all of whom figured in an auto particular of December 21, 1680. They had long succeeded in eluding inquisitorial vigilance, for one of them, María Enríquez, then sixty years old, testified that she had been brought thither from Lisbon by her parents, when a little child and had always lived there.[2] A similar group of Portuguese, in the little town of Berin (Orense) were tried between 1676 and 1678, by the tribunal of Santiago, and furnished to the Madrid auto of 1680 two victims relaxed as pertinacious Jews—Baltasar López Cardoso and Feliz López his cousin. There were more than twenty of them in all, and they had long been settled there; Antonio López, one of them, said, in 1677, that he was thirty-two years old and had been born in Berin.[3]

It was only by the most stringent caution that existence could be maintained under these conditions. Gaspar de Campos, one of the Pastrana group, gives, in his confession, some account of the devices adopted for concealment. On the Sabbath the mother and girls would sit with reels or spinning wheels before them and, if any one came in, would pretend to be at work. On fast days the servant-girl would be sent out on an errand; during her absence food would be taken out of the olla and plates and spoons would be greased, they would then go to the house of a neighbor Jewess and, when the servant followed them, she would be sent back to get her dinner, telling her that they had dined, and then the neighbor would do the same. Even in the closest family circle the utmost reserve was often practised. Children were not allowed to know anything of Judaism until of an age at which their discretion could be trusted. Parents, indeed, frequently brought up their children as Catholics, and left it to others to convert them

[1] Catálogo de las causas seguidas ante el tribunal de Toledo, p. 212 (Madrid, 1903).

[2] Proceso contra Angela Pérez (MS. *penes me*).

[3] Proceso contra Angela Núñez Marques (MS. *penes me*). Angela's brother, Doctor Gerónimo Núñez Marques, was reconciled in the Madrid auto of 1680, where he is described as "Médico de familia de su Magestad."—Olmo, Relacion, p. 209.

fortuitously. Pedro Núñez Marques, tried in Madrid in 1679, testified that he had been inducted into Judaism in Villaflor (Portugal) by María Pinto, wife of Alvaro de Morales. After he returned to his father's house, in Torre de Moncorvo, he hesitated for months to let his parents know of his conversion, At last, in 1653, he told his mother, when she approved of it and said that both she and his father, Francisco Núñez Ramos, were Jews. There were eight children of them; he knew them all to be Jews but could give no details, except as to three sisters: they all assumed each other to be so, but each one attended to his own affairs, to earn a living, and to live with the utmost precaution. As his sister Angela Núñez Marques expressed it, they all knew each other to be Portuguese; that was sufficient, and further confidences were superfluous.[1]

As a matter of course, punctilious regard was paid to all Catholic observances—mass, confession and communion, feast-days and fasts. The dying were duly shriven and had the viaticum, the dead had Christian burial in the churches. Living thus scattered in small groups or isolated families, concealing their secret faith with the utmost care, and in perpetual dread of betrayal, it is not surprising that distinctive Jewish observances were gradually reduced to a minimum, and were becoming to a great degree forgotten. They had no rabbis to keep them instructed in the countless prescriptions of the Oral Law and the incidence of days of observance. Circumcision, of course, was out of the question; it was too compromising and there was no one to perform it, unless some specially zealous youth might betake himself to France or to Italy for the purpose. We hear nothing in the trials of abstinence from pork, or the removal of fat from meat, or the mortuary laying-out of the dead. There was an attempt to fast on the day of Queen Esther, when that was known, and perhaps on other days of no special note, as a spiritual exercise; we hear of washing the hands before meals and giving thanks to the God of Israel; lamps might be lighted on Friday night, but it sufficed to light one and let it burn till it went out. The Sabbath was to be kept by cessation from work, but even this was not always observed, and the changing of body-linen is rarely alluded to. Angela Núñez Marques said that Ana de Niebes and María de

[1] Proceso contra Angela Núñez Marques (MS. *penes me*).—Angela was No. 17 of the Madrid auto of 1680 (Olmo, p. 211).

Murcia had taught her the Law of Moses and its ceremonies, which were to rest on the Sabbath and to observe fasts of four and twenty hours without food or drink, yet, during the twenty years of her residence in Pastrana, she had kept only fifteen Sabbaths, for fear of discovery by her husband and servants. Isabel Mendes Correa, who appeared in the Madrid auto of 1680, when sick some years before, had vowed that, if she recovered, she would rest on Saturdays and light lamps on Fridays, for she deemed her illness a punishment for neglecting the Law of Moses. In short, Judaism seems to have resolved itself into Sabbath-keeping with occasional fasting, and into hoping to be saved in the Law of Moses and denying Christ and Christian doctrine.[1]

All this increased the difficulty of detection and vexed the souls of the inquisitors, in both Spain and Portugal. An exhortation addressed to the New Christians, in 1640, in Granada, by Maestro Gabriel Rodríguez de Escabias, denounces them roundly for thus betraying their faith. So at the Lisbon auto of September 6, 1705, where the sermon was preached by Diogo da Annunciasam, Archbishop of Cranganor, he commenced by addressing the sixty-six penitents before him—"Miserable relics of Judaism! Unhappy fragments of the synagogue! Last remains of Judea! Scandal of the Catholics and detestable objects of scorn even to the Jews themselves! You are the detestable objects of scorn to the Jews, for you are so ignorant that you cannot observe the very law under which you live"—a truly Christian welcome to repentant sinners, which was deemed worthy of perpetuation by the printing-press.[2] Yet in this duplicity, so reprehensible in inquisitorial eyes, there was promise of the final success of the work so unremittingly prosecuted for two centuries. The hammer was gradually wearing away the anvil; only the marvellous constancy of Judaism had enabled it to maintain itself under such conditions, and eventually the Portuguese Judaizers were to be incorporated in the Church as, for the most part, their Spanish brethren had been already.

Still, the activity of the Inquisition continued to be rewarded with abundant success, and indeed we may say that but for Juda-

[1] *Ubi sup.* (MSS. *penes me*).

[2] Exortacion al Herege, fol. 6 (Bodleian Library, Arch Seld. 130).—Sermam do Auto da fé em 6 de Setembro do anno de 1705, p. 5 (Lisboa, 1705). This sermon was translated by Moses Mocatta, together with a reply to it by Carlos Vero, London, 1845.

ism it would have found little to do. In the public autos of Córdova, from 1655 to 1700, out of three hundred and ninety-nine persons and effigies brought forward, three hundred and twenty-four were for Judaizing. In Toledo, from 1651 to 1700, there were eight hundred and fifty-five cases tried of every kind, trivial and important, of which five hundred and fifty-six were for the same offence. Towards the closing years of the century, there seems to be a decided falling off in the numbers, as though vigilance were becoming relaxed, or the efforts of the tribunals were being crowned with success; but, in a report of pending cases in Valladolid, made July 8, 1699, out of eighty-five, seventy-eight were Judaizers.[1] This activity however seems to be largely confined to Castile, as though the Portuguese had not found the kingdoms of Aragon attractive. Reports of cases pending in Valencia in 1694–5–6, show in all but sixteen, among which there is not a single Judaizer.[2] It is perhaps worthy of passing remark that, in the treaty of 1668, by which Spain recognized the independence of Portugal, Article 4 provides that the subjects of each power, in the territories of the other, shall enjoy the privileges and immunities granted to British subjects by the treaties of 1630 and 1667.[3] These guaranteed them against molestation for matters of conscience, so long as they gave no occasion for scandal, but, from what we have seen above, it does not appear that the Inquisition of either country paid any attention to this, nor is it likely that either government complained of infraction.

During this period, the laws restricting the emigration of the New Christians seem to have been mostly in abeyance, but when, in 1666, the false Messiah, Zabathia Tzevi, appeared in Palestine and drew a large following of misguided Jews, the Suprema took the alarm. The sea-port tribunals were warned that some of the Portuguese would seek to join him, so that if any Portuguese should come and endeavor to embark, they were to be detained under some pretext, their property was to be seized and examined and a report be sent to the Suprema. Some four months later, Barcelona forwarded the testimony taken in the case of four Portuguese thus detained, when the Suprema ordered their release

[1] Matute y Luquin, Autos de fe de Córdova.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—Archivo de Simancas, Inq., Leg. 552.

[2] Archivo hist. nacional, Leg. 2, n. 10, fol. 1.

[3] Coleccion de Tratados de Paz; Carlos II, Parte I, p. 306.

and that in future, when the evidence showed that they were not fugitives or bound for some suspicious place, they should be allowed to proceed. In this same year a muleteer named Francisco Núñez Redondo was punished at Toledo as a Judaizer, and for conducting Judaizers out of the country, the two hundred lashes added, in his sentence to reconciliation and prison, being evidently the penalty for this special offence.[1] In 1672, there was another similar alarm. The Suprema informed the tribunals that many families of Portuguese were arranging to pass by way of Bayonne to France. All the roads and paths were therefore to be guarded, and all Portuguese who seemed to be seeking to leave the kingdom were to be seized with their property. Each individual was to be closely examined, his genealogy taken, his past life recorded, his destination and the motives of his journey to be stated, with all other details necessary for a thorough knowledge of his antecedents and purposes, and this information was to be forwarded to the Suprema with the opinion of the tribunal. Similar precautions were ordered at the Mediterranean sea-ports, but the object of this action was not stated.[2]

Valladares, who was inquisitor-general from 1669 to 1695, seems to have taken a different view of this curiously perverse policy of preventing the emigration of disaffected apostates. August 12, 1681, he sent, to some one near the king, an anonymous memorial setting forth the invincible obstinacy of the Jews; penance and punishment left them as wicked as before, resulting in many evils, such as the engagement in noble houses of Jewish wet-nurses, who infect the children with their milk, the employment by Conversos of young children whom they pervert, the sacrilege of the sacraments administered to them, and the like. The remedy for this was the immediate exile of all who were penanced or, if they were allowed to remain, the branding of them on the forehead with the arms of the Inquisition. Valladares was probably the author of the memorial, for he makes this hideous suggestion his own, urging it with all the authority of the Inquisition, and invoking the judgement of heaven on his correspondent if he fails to lay the paper before the king. Carlos sent it to the Suprema for its opinion, and the matter went no further, but the

[1] Libro XIII de Cartas, fol. 158, 191 (MSS. of Am. Phil. Society).—Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 2, fol. 117; Inq. de Toledo, Leg. 1.

[2] Archivo hist. nacional, Inq. de Valencia, Leg, 10, n. 2, fol. 89.

document is not without interest as a revelation of the methods which persecutors were willing to adopt to escape from the consequences of their own acts.[1]

Although it was the Portuguese immigration which supplied the apparently inexhaustible harvest of culprits throughout the seventeenth century, there was one corner of Spain which escaped the influx and where the old Conversos continued to cherish their secret faith with little or no molestation. Allusion has more than once been made above to the Majorca catastrophe of 1691 and, as an episode of Spanish Judaism, its details deserve consideration. In the massacre of 1391, some of the Mallorquin Jews escaped to Barbary, but the majority remained. The governor, Francisco Sagariga, had been wounded in endeavoring to protect them; they were won over to conversion by the terror of death, and the promise of the authorities to give them twenty thousand libras wherewith to pay their debts,—a promise which seems never to have been fulfilled. They continued to inhabit the *call*, or Jewish quarter and, although the aljama came to an end in 1410, its members remained as a separate community.[2] The conversion was as superficial as was to be anticipated and though, as nominal Christians, they were not affected by the expulsion of 1492, when the Inquisition was introduced we have seen, from the numbers who came in under Edicts of Grace, that they must all have been Jews at heart for, between 1488 and 1491, there were no less than five hundred and sixty-eight reconciliations, besides those who, by special mercy, were reconciled twice. After this, for awhile the tribunal was fairly active. Between 1489, when it commenced operations, and 1535 it sentenced a hundred and sixty-four to reconciliation, ninety-nine to relaxation in person, and four hundred and sixty to relaxation in effigy, all of whom presumably were Judaizers except, in 1535, five Moriscos who were relaxed.[3] After this, persecution grew inert, relaxations disappear and reconciliations become few. So insignificant had the tribunal become that when, in 1549, the offices of fiscal and receiver fell vacant, Valdés wrote to ask what was the necessity of filling them.[4] He might well ask the question: between 1552

[1] Archivo de Simancas, Inq.. Lib. 49, fol. 345.
[2] Gabriel Llabrés (Boletin, XL, 152–4).
[3] Archivo de Simancas, Inq., Lib. 595, fol. 1.
[4] Ibidem, Sala 40, Lib. 4, fol. 177.

and 1567 the tribunal had but two reconciliations to show and, during the remainder of the century, only thirty, together with a single relaxation, and of these few culprits the majority were not Judaizers. In the seventeenth century, the record was even slenderer. Engaged, for the most part as we have seen, in unappeaseable conflicts with the ecclesiastical authorities, the duties of persecution were neglected, and heretic and apostate breathed in comparative peace. The reconciliation of María Díez, September 6, 1579, was followed by a century in which not a single Judaizer was reconciled, although, in 1675, one from Madrid was relaxed. The inhabitants of the *call* might well deem themselves secure, especially as the churchmen were free in their denunciations of the tribunal. In 1668 the inquisitor complained to the Suprema that the priests of the episcopal party talked of the Inquisition as a secret heresy, and that it was a den of robbers which should be abolished, all of which led to much licence of speech among the suspected persons who dwelt "in the separate barrio."[1]

From this sense of security there was a rude awakening. In 1677 or 1678 a meeting, held in a garden outside of the city, attracted the inquisitor's attention. It was designated as a synagogue, and doubtless there was some imprudence. Secret investigation developed evidence justifying wholesale arrests, and the prison was soon crowded. The result appeared in four autos celebrated in 1679, in which there were no less than two hundred and nineteen reconciliations. There was no spirit of martyrdom; in all cases it was a first conviction, and when all confessed and begged for mercy there was no opportunity for relaxation. A noteworthy feature was the absence of prosecutions of the dead, which could have been numerous had the tribunal been disposed to take the trouble, but this is doubtless explicable by the fact that as the whole community of New Christians was involved, all its property was confiscated, and there would have been no profit in looking up ancestral heresies. The confiscations were enormous; the culprits were merchants and traders and bankers, whose houses and lands, censos and merchandise and credits were swept away. The sum realized is stated at 1,496,276 pesos, which is probably far below the real value of the assets seized. We have seen how the king was gradually shouldered out of his

[1] Archivo de Simancas, Inq., Lib. 25, fol. 89.

share of the spoils; the tribunal secured a goodly portion with which it rebuilt the palace of the Inquisition in a style so sumptuous that it passed for one of the finest in Spain, until it was demolished, in 1822, and its site converted into a public plaza.[1]

The tribunal ordered all New Christians to dwell in the *call* and required them, on all feasts of precept, to attend mass in the cathedral in a body, preceded by a minister of the Inquisition and in charge of an alguazil. Impoverished, dishonored and watched, the position became intolerable. A number resolved to expatriate themselves and secretly made arrangements with an English ship lying in the harbor to carry them away. The passage-money was paid and they succeeded in embarking, but rough weather detained the ship; they had not procured the necessary licences to leave Spain, they were seized and cast into prison with the members of their families. This occurred in 1688 and three years were consumed in their trials. The result was seen in the four autos held in March, May and July, 1691. For those who had been reconciled in 1679 and were now convicted of relapse there could be no pardon. A huge brasero, eighty feet square and eight feet high, with twenty-five stakes, was prepared on the sea-shore, two miles from the city, in order that the people might not be incommoded by the stench. In all thirty-seven were relaxed in person, of whom only three were pertinacious to the last and were burnt alive. Eight were relaxed in effigy, of whom four were fugitives and four were dead—three of the latter having died in prison. There were fifteen reconciliations in person and three in effigy. Finally there were twenty-four who, although among the reconciled of 1679, escaped with abjuration *de levi* and fines amounting to sixty-four hundred libras.[2] This shows that the little community had already begun to repair its shattered fortunes, and renders it probable that the confiscations of the relaxed and reconciled rewarded the tribunal abundantly for its labors. The lesson seems to have been sufficiently severe to serve its purpose. We hear nothing more of Judaism in Majorca; during the height of persecution elsewhere, the tribunal celebrated two autos, May 31, 1722 and July 2, 1724, in which

[1] Archivo de Simancas, Inq., Lib. 595, fol. 1; Lib. 69, fol. 69.—Taronji, Estado Social etc. de la Isla de Mallorca, pp. 241–2.

[2] Garau, La Fee triunfante, pp. 30–45, 49–50, 65–78, 111–22.—Archivo de Simancas, Inq., Lib. 68, fol. 258.

nine penitents appeared, but none of them were Judaizers.[1] Although the New Christians were still confined to their separate quarter, in time, as we have seen, they became thoroughly Catholic.

With the opening of the eighteenth century it looked as though the victory over Judaism had been virtually won. The War of Succession must of course have interfered with the operations of the Inquisition, but this does not suffice to explain the marked falling off in the number of Judaizers in the autos, so far as manifested by the records before me. In Catalonia, which held out long after the rest of Spain was pacified, the Inquisition was fairly re-established in 1715, after which, for three years, the Barcelona tribunal, out of a total of twenty-five cases, had but three of Jews—a mother and two daughters who had fled from Seville and had been traced to Catalonia.[2] In Córdova the records are imperfect but, as far as they go, from 1700 to 1720, they show but five cases.[3] In Toledo, during the same twenty-one years, out of a total of eighty-eight trials, only twenty-three were for Judaism.[4]

The fires of persecution, however, were only slumbering and broke out again suddenly with renewed fierceness. Possibly this may be attributable to the discovery in Madrid of an organized synagogue, composed of twenty families who, since 1707, had been accustomed to meet for their devotions and, in 1714, had elected a rabbi, whose name they sent to Leghorn for confirmation. Comparative immunity had brought recklessness and we are told that they observed the Christian fast-days with dancing and guitar-playing. Five of them were relaxed in the auto of April 7, 1720.[5] It was probably this discovery that aroused the other

[1] Royal Library of Berlin, Qt. 9548.

[2] Archivo de Simancas, Inq., Sala 39, Leg. 4, fol. 15, 23, 71.

[3] Matute y Luquin, Autos de fe de Córdova, pp. 212–16.

[4] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

In Portugal there was greater activity. The list of autos in the "Historia dos principaes Actos," pp. 278–81, 304–7, 328–31, shows for the twenty years, 1701–20,

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	26	14	961
Evora		2	458
Coimbra	11	10	707
	37	26	2126

[5] Bibl. nacional, MSS., Bb, 122.

tribunals to renewed activity, which was abundantly rewarded, for there seems at this time to have been little concealment by Judaizers. In the Toledo auto of March 19, 1721, Sebastian Antonio de Paz, *administrador del tabaco*, is asserted to have married the daughter of his wife, and Francisco de Mendoza y Rodríguez his first cousin, "according to the Law of Moses."[1]

For some years this revival of persecution raged with a virulence rivalling that of the earlier period. In a collection of sixty-four autos, held between 1721 and 1727, there were in all eight hundred and sixty-eight cases, of which eight hundred and twenty were for Judaism, nor did the tribunals err on the side of mercy. There were seventy-five relaxations in person and seventy-four in effigy, while scourging, the galleys and imprisonment were lavishly imposed.[2] The geographical distribution of the culprits is worthy of note. The kingdoms of the crown of Aragon show few traces of Judaism. Valencia contributed but twenty cases, Barcelona five, Saragossa one and Majorca none—or twenty-six in all. Among the tribunals of the crown of Castile, Logroño held no auto during these years; Santiago furnished only four cases, while Granada had two hundred and twenty-nine, Seville a hundred and sixty-seven and Córdova seventy-eight. The years 1722 and 1723 were those in which persecution was most active, the number diminishing rapidly afterwards.[3] It still, however, continued at intervals. In Córdova there were autos in 1728, 1730 and 1731, in which there were in all twenty-six cases of Judaism; then there was an interval until 1745, when only two cases occurred.[4] In Toledo, after 1726, there was no case of Judaism until

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Royal Library of Berlin, Qt. 9548. The summary of penalties is:—

Relaxation in person	75	Scourging	191
" " effigy	74	Galleys	49
Reconciliation	595	Exile	73
Confiscation	782	Abjuration *de levi*	24
Prison and sanbenito	597	" *de vehementi*	23

[3] The distribution of the cases was:—

In 1721	57	In 1725	89
1722	252	1726	24
1723	224	1727	17
1724	157		

It is probable that the year 1727 is not complete in this collection.—Royal Library of Berlin, Qt. 9548.

[4] Matute y Luquin, *op. cit.*, pp. 253–73.

1738, when there were fourteen. This seems to have exhausted the material for prosecution, for until the Toledan record ends in 1794, there was but a single subsequent case, which occurred in 1756.[1] In Madrid there were several Jews relaxed in 1732, charged with scourging and burning an image of Christ, in a house in the calle de las Infantas.[2] In Valladolid, at an auto, June 13, 1745, there was one Judaizer relaxed and four reconciled, while in Seville, July 4, although there were four Moslems there was not a single Jew.[3] At Llerena, in 1752, we hear of the relaxation of six effigies of fugitives and one of a dead woman, which must evidently have been cases of Judaism.[4]

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Bibl. nacional, MSS., S, 294, fol. 375.

[3] Royal Library of Berlin, Qt. 9548.

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).

The Inquisition of Portugal continued active. For the years 1721 to 1794, the last recorded, the statistics are (Historia dos principaes Actos, pp. 280–91, 306–11 332–9):—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	131	17	1543
Evora	8	3	735
Coimbra			1210
	139	20	3488

In this the superior energy and ferocity of the Lisbon tribunal is noteworthy; it relaxed no less than 66 persons in the years 1732–42. The last burning was of the unfortunate Padre Malagrida, in 1761 but, as late as 1760, Evora burnt four culprits.

As far as can be ascertained the total record of the Portuguese Inquisition, up to 1794, is 1175 relaxed in person, 633 in effigy and 29,590 penanced. The proportion of New Christians among these is impossible of ascertainment, but towards the last it diminished considerably, and, as in Spain, the jurisdiction included superstitious sorcery, blasphemy, bigamy, etc.

Under the ministry of the Marquis of Pombal, Dom José, April 8, 1768, deprived the Inquisition of censorship and, by successive edicts of May 2, 1768, June 16, 1773 and December, 1774, all distinctions between Old and New Christians were removed. An order of February 10, 1774, abolished the Inquisition of Goa, but the death of Dom José, in 1777, and the succession of Maria I drove Pombal from power, and it was revived in 1779, to be finally suppressed in 1812 (Vicente d'Abreu, pp. 6–7, 267–72, 274). In Portugal it was extinguished by the revolution of 1820.

In 1774 a new *Regimento* was issued by the inquisitor-general, Cardinal da Cunha, in the preface of which the Jesuits are accused of having perverted the forms of procedure, causing all the evils with which it had afflicted the land. The new code removed many of the abuses of the old and King José, in the decree

These scattering details can make no pretension to completeness, and yet they suffice to show that Judaism at last was substantially rooted out of Spanish soil, after a continuous struggle of three centuries. How complete was this eradication is manifested by a summarized list of all cases of every kind, coming before all the tribunals, from 1780 until the suppression of the Inquisition in 1820, embracing an aggregate of over five thousand. In these forty years, the whole number of prosecutions connected with Judaism was but sixteen, and of these ten were foreigners who had evaded the laws prohibiting entrance to Jews while, of the six natives, four were prosecuted for suspicions and propositions. The latest case was at Córdova, in 1818, of Manuel Santiago Vivar for Judaizing acts—the final scene in the long tragedy which had secured uniformity of faith at the cost of so much blood and suffering.[1]

During this later period, the exclusion of foreign Jews was exercising the Holy Office much more than the detection of native ones. The savage law will be remembered by which, in 1499, Ferdinand and Isabella prohibited the return of the expelled Jews or the entrance of foreigners under pain of death and confiscation.[2] Although this law was retained on the statute-book, it probably was not enforced in all its ferocity, but the maintenance of the exclusion was inevitable when such unremitting pains were taken to exterminate Judaism. When the *visitas de navíos*, or exami-

approving it, repeated the accusation of the Jesuits, holding them responsible for the ferocious and sanguinary corruptions, incompatible with the principles of natural reason and religion, which had rendered the Inquisition a horror to all Europe and had created within the monarchy an independent and autocratic body of ecclesiastics.—Regimento do Santo Officio da Inquisição, pp. 3 sqq. 31, 37, 39, 42, 55, 62–3, 71, 89, 144–5, 149, 154–5 (Lisboa, 1774).

English versions of both Regimentos—that of 1640 and that of 1774—are given by da Costa Pereira Furtado de Mendonça in the *Narrative of his Persecutions* (London, 1811). He lay for three years, 1802 to 1805, in the prison of the Lisbon tribunal and, if his account is to be relied upon, the reforms of Pombal had already become obsolete.

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

In 1783 Inquisitor-general Beltran instructed the tribunals that no one was to be arrested for Judaism without first submitting to him all the papers. At the same time he called for reports of all cases of Judaism there pending, to which Valencia replied that it had none.—Ibidem, Cartas del Consejo, Leg 16, n. 5, fol. 59; Leg. 4, n. 2, fol. 136.

[2] Novís. Recop., Lib. XII, T. i, ley 4.

nation of all ships arriving at Spanish ports, were organized, the keeping out of Jews was held in view as much as that of Lutheran heretics and books; if a Jew were found on board, he was to be examined; if he admitted baptism he was to be seized and his goods were to be confiscated; if unbaptized and he made no attempt to land, he was to be allowed to depart with the ship.[1] Still, the indefatigable mercantile energy of the Jews and the venality of officials, to a limited extent, neutralized these precautions. In 1656, the trial at Murcia of Enrique Pereira, whose domicile was in Lucca and who was arrested while trading at Beas, shows that there was intercourse between the Portuguese in Spain and their brethren in Italy; those of Spain would go by sea to Nice or elsewhere to enjoy freedom of worship, while Italian Jews came to Spain to trade, in spite of inquisitorial vigilance.[2] These furtive attempts, with their perils, were but tantalizing to those who looked with longing on the tempting Spanish market; licences to come were much more desirable and we have seen that, in 1634, under Olivares, they were sometimes issued. They were grudgingly recognized by the tribunals, as in the case mentioned above in 1645. More unlucky, in 1679, was Samuel de Jacob, who was thrown in prison, although he held a licence, and we are told that, although those who held licences could not be prosecuted as heretics, still, if they blasphemed or derided the faith, they could be chastised with fines, scourging or the galleys, according to the resultant scandal, while attempts to proselyte incurred capital punishment.[3] In 1689, special orders were issued to disregard an agreement which Don Pedro Ronquillo, under powers from the king, had made with an English Jew, enabling him to land at any port in Spain.[4]

Such care was exercised to avert any danger of polluting the Spanish soil by a Jewish foot that when, in 1713, by the treaty of Utrecht, Gibraltar was ceded to England, it was under the condition that no Jews or Moors should be permitted to reside there.[5] The inobservance of this by England was the subject of complaint, but it is not likely that many intruders risked the dangers

[1] Archivo de Simancas, Inq., Leg. 1473.

[2] Proceso contra Diego Rodríguez Silva (MS. *penes me*).

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 3, fol. 183.—Bibl. nacional, MSS., V, 377, cap. XXII.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 112.

[5] De Lamberty, Mémoires pour servir, VIII, 379.

that attended an attempt of a foreign Jew to enter Spain. In January, 1697, Abraham Rodríguez, travelling from France to Portugal under the name of Antonio Mazedo, was arrested at Ledesma and brought to the tribunal of Valladolid. Two years and a half later his trial was still in progress, but, though we do not know the result, the experience was not such as to invite imitation.[1]

When, in the general relaxation of the eighteenth century, the sternness of these laws was tacitly abandoned, embarrassing precautions rendered sojourn uninviting. In 1756, Abraham Salusox, a Jew of Jerusalem, ventured to Valencia with a lion for sale. The shipmaster reported him and a familiar was deputed to accompany him day and night, on board and on shore, never to let him out of his sight or to communicate with any one. The Count of Almenara bought the lion and Salusox was permitted to be in the count's house for a few days, until a cage was constructed for the beast, after which he re-embarked. The same course was followed in 1759, with a Jew who came with merchandise from Gibraltar; a familiar never left him till his goods were sold and he departed, while his books and papers were carefully scrutinized to see that they contained nothing prejudicial. There were others who came in 1761 and 1762, who were treated in the same fashion. Then, in 1795 a royal order was issued through the Suprema, to the effect that a Jewish subject of the Bey of Morocco would come to Valencia and remain for eight or ten days, who was not to be troubled in any way; the tribunal consequently took no notice of his coming and going.[2]

These were all the cases that search through the records of Valencia could find, from 1645 to 1800, and their paucity shows how rarely Jews braved the dangers of visiting Spain. Those who tried to do so in secret took the chances of detection. In 1781, Jacobo Pereira landed at Cadiz under a false name and concealing his faith, but he was found out, arrested and the Seville tribunal at once commenced his prosecution.[3] It is true that a royal order of April 25, 1786, permitted the entrance of Jews who bore licence from the king, but these were sparingly granted and only on special occasions. The question of greater liberality came up, in 1797,

[1] Archivo de Simancas, Inq., Leg. 552, fol. 52.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 222.

[3] Ibidem, Leg. 100.

when the finance minister, Don Pedro de Varela, as a means of reviving the commerce and industry of Spain, proposed that Jews might be allowed to establish factories in Cadiz and other ports, but the Council of ministers rejected the project as contrary to the laws.[1] Apparently the discussion continued and, in 1800, the Suprema called on all the tribunals for reports as to their treatment of Jews seeking admission, and the result appears in a royal cédula of June 8, 1802, declaring in full force all laws and pragmáticas theretofore issued, and ordering the rigorous execution of the penalties therein provided, while any default in lending to the Inquisition due assistance for this holy purpose was threatened with the royal indignation.[2]

The confusion of the Napoleonic wars afforded opportunities for enterprising Jews, which were not likely to be overlooked, and Fernando VII deemed it necessary, August 16, 1816, to issue a decree renewing and confirming the cédula of 1802.[3] It was easier to publish the decree than to enforce it. The tribunal of Seville, June 12, 1819, represented to the Suprema its perplexities arising from the influx of Jews at Algeciras, Cadiz and Seville, who came to the tribunal begging for baptism. They were indigent beggars and probably fugitive criminals but, as occasionally there might be one whose object was really salvation, to deprive him of this would be a heavy burden on the conscience, and consequently the tribunal asked for instructions.[4] This resulted in an order of the inquisitor-general, July 10th, to all the tribunals, insisting on the strict enforcement of the decrees of 1786 and 1802; such Jews as obtained a royal licence were to be vigilantly watched and, if the secular officials manifested lack of zeal in coöperation, the inquisitor-general was to be notified.[5]

At the same time orders were sent, to the commissioners at all the ports, to observe strictly the old instructions as to the *visitas de navíos* and to report as to the current practice. Barcelona replied that the visits were made only when there were Jews on board. Alicante reported that the disuse of the visits had led to a rapid immigration of Jews into Murcia. Cartagena said that no visits were made but that, if suspicious persons arrived, the custom-

[1] Amador de los Ríos, III, 552–3.
[2] Novís. Recop., Lib. XII, Tit. i, ley 5.
[3] Amador de los Ríos, III, 557.
[4] Archivo de Simancas, Inq., Lib. 435[2].
[5] MS. *penes me.*

house officers notified the commissioner. Cadiz and Algeciras answered that the health-officer notified the commissioner of the arrival of Jews, renegades and other forbidden persons, when he took the necessary steps to avert the evil. Motril said that visits were made only when there was a Jew on board. Santiago merely responded that it had the royal decrees of 1786 and 1802 and the recent instructions of the Suprema.[1] Evidently there was little attention paid to the enforcement of the laws by both the royal and inquisitorial officials, but the Government was determined to enforce the exclusion of Jews, and an order was promptly sent to all the royal officials that no Jew was to be allowed to set foot on Spanish territory, unless he bore a royal licence; if he had one, he was to present himself to the Inquisition or its commissioner, so that a record could be made of him, and the tribunal was instructed to keep him under strict supervision. The ministry of Gracia y Justicia communicated this, August 31, 1819, to the Suprema, which in turn forwarded it, September 6th, to all the tribunals with orders for its strict observance.[2]

The Inquisition came to an end a few months after this, but the prejudices which it had done so much to foster postponed the removal from the statute-book of the laws representing the fierce intolerance of the earlier time. In 1848 we are told that, although unrepealed, they were not enforced and that Jews could travel and trade in Spain without molestation,[3] but when, in 1854, Constitutional Córtes were assembled to frame a new constitution, and the German Jews sent Dr. Ludwig Philipson, Rabbi of Magdeburg, on a mission to procure free admission of their race, his eloquence was unavailing. It was not until fifteen years later, when the revolution, which drove Isabella II from the throne, called for a new organic law, that the Constitution of 1869 proclaimed freedom of belief and guaranteed it to all residents in Spain, and this was likewise applicable to natives professing other religions than the Catholic. This principle was preserved in the Constitution of 1876, which forbade all interference with religious belief, while not allowing public ceremonies other than those of Catholicism.[4] It was a remarkable proof of conver-

[1] Archivo de Simancas, Inq., Leg. 1473.

[2] Ibidem, Lib. 559.

[3] Lindo's History of the Jews, p. 377.

[4] Amador de los Rios, III, 561–2.—Paredes, Curso de Derecho político, p. 666 (Madrid, 1883).

sion from ancient error when, in 1883, the Jewish refugees from Russia, sent by the organizing committees of Germany, were enthusiastically received, although the experiment ended in disastrous failure.[1] The ancestral antipathy which they had to encounter was, however, still active, as expressed by a pious Franciscan, who declared that bringing them was a sin of moral and political treason, and that they would devour the whole Spanish nation.[2]

[1] Elkan N. Adler, in Jewish Quarterly Review, April, 1901, p. 392.

[2] P. Angel Tineo Heredia, Los Judíos en España, pp. 44, 48 (Madrid, 1881).

CHAPTER II.

MORISCOS.[1]

We have seen that, in the progress of the Reconquest, as Moorish territories were successively won, the inhabitants were largely allowed to remain, under guarantees for the free enjoyment of their religion and customs. These Mudéjares, as they were called, formed a most useful portion of the population, through their industry and skill in the arts and crafts. When, in 1368, Charles le Mauvais of Navarre granted to the Mudéjares of Tudela a remission of half their taxes for three years, in reward of their assistance during his wars, especially in fortification and engineering, it shows that the conquering race depended on them not merely for manual labor but for the higher branches of applied knowledge.[2] As a rule they were faithful in peace and war, during the long centuries of internal strife between the Christians, and of struggles with their co-religionists.

It was the Jews against whom was directed the growing intolerance of the fifteenth century and, in the massacres that occurred, there appears to have been no hostility manifested against the Mudéjares. When Alfonso de Borja, Archbishop of Valencia (afterwards Calixtus III), supported by Cardinal Juan de Torquemada, urged their expulsion on Juan II of Aragon, although he appointed a term for their exile, he reconsidered the matter and left them undisturbed.[3] So when, in 1480, Isabella ordered the expulsion from Andalusia of all Jews who refused baptism and

[1] The long-drawn tragedy of the Moriscos can only be outlined within the compass of a chapter and I must refer the reader, who desires greater detail, to my "Moriscos of Spain, their Conversion and Expulsion" (Philadelphia 1901). Since that volume was issued Padre Pascual Boronat y Barrachina has published two octavo volumes on the subject—"Los Moriscos españoles y su Expulsion" (Valencia, 1901) in which his industry has accumulated a very copious mass of original documents; of these I have here freely availed myself.

[2] Yanguas y Miranda, Diccionario de Antigüedades del Reino de Navarra II, 433 (Pamplona, 1840).

[3] Fray Jayme Bleda, Corónica de los Moros, p. 877 (Valencia, 1618).

when, in 1486, Ferdinand did the same in Aragon, they both respected the old capitulations and left the Mudéjares alone.[1] The time-honored policy was followed in the conquest of Granada, and nothing could be more liberal than the terms conceded to the cities and districts that surrendered. The final capitulation of the city of Granada was a solemn agreement, signed November 25, 1491, in which Ferdinand and Isabella, for themselves, for their son the Infante Juan and for all their successors, received the Moors of all places that should come into the agreement as vassals and natural subjects under the royal protection, and as such to be honored and respected. Religion, property, freedom to trade, laws and customs were all guaranteed, and even renegades from Christianity among them were not to be maltreated, while Christian women marrying Moors were free to choose their religion. For three years, those desiring expatriation were to be transported to Barbary at the royal expense, and refugees in Barbary were allowed to return. When, after the execution of this agreement, the Moors, with not unnatural distrust, wanted further guarantees, the sovereigns made a solemn declaration in which they swore by God that all Moors should have full liberty to work on their lands, or to go wherever they desired through the kingdoms, and to maintain their mosques and religious observances as heretofore, while those who desired to emigrate to Barbary could sell their property and depart.[2] It was the wise traditional policy of incorporating the conquered population in the state, on an equal footing with other subjects, and trusting to time to merge them all into a common mass, holding one faith and owing allegiance to one country.

Whether it was distrust of Christian good faith that impelled them, or a natural desire to leave the scene of their defeat, a large portion of the Granadan Moors, including most of the nobles, promptly availed themselves of the right of expatriation. Before the year 1492 was out, it was reported to the sovereigns that the Abencerrages had gone, almost in a body, and that, in the Alpujarras, few were left save laborers and officials. The emigration

[1] Pulgar, Crónica de los Reyes Católicas, II, lxxvii.—Archivo gén. de la C. de Aragon, Regist. 3684, fol. 96.—Padre Fidel Fita (Boletin, XV, 323-5, 327, 328, 330; XXIII, 431).

[2] Fernández y González, p. 421.—Coleccion de Documentos, VIII, 411.—Marmol Carvajal, Rebelion y Castigo de los Moriscos de Granada, pp. 146-50 (Biblioteca de Autores españoles, Tom. XXI).

continued and, in 1498, a letter of Ferdinand indicates that he was inclined to stimulate it.[1] While there might be good reasons for diminishing the large population of those recently vanquished, who presumably might cherish hopes of independence and had not forgotten the bitterness of unsuccessful struggle, this was accompanied with a readiness to increase the number of Mudéjares, who had adapted themselves to the situation, and who were regarded as in every way a desirable element in the community. When Manoel of Portugal expelled the Moors who refused baptism, Ferdinand and Isabella welcomed them to Spain. Royal letters were issued, April 20, 1497, permitting their entrance with all their property, either to settle or in transit to other lands; they were taken under the royal protection and all molestation of them was forbidden.[2] Up to this time, at least, there was no recognition of the political necessity of unity of faith, which subsequently served as justification for cruel intolerance and unwise statesmanship.

Yet the statesmanship of the day, if not yet prepared to regard unity of faith as a political necessity, considered it politically advantageous, while pious zeal inevitably sought the salvation of the multitudes of souls thus brought under Christian rule. The "third king of Spain," González de Mendoza, Cardinal-archbishop of Toledo, and other prelates at the court urged upon the sovereigns that gratitude to God required them to give to their new subjects the alternative of baptism or exile. Ferdinand and Isabella, however, turned a deaf ear to this advice, either not caring to break the faith so recently pledged, or to provoke another war; the work of conversion had already been commenced with fair prospects of success and it could safely be left to time.[3] Isabella's confessor, the saintly Hernando de Talavera, had been made Archbishop of Granada; he was devoting his revenues and his tireless labors to missionary work, inculcating Christianity by example more potent than precept. He relieved suffering, he preached and he taught all who would listen to him; he required his assistants to learn Arabic and he acquired it himself. He won

[1] Coleccion de Documentos, XI, 569; XIV, 496.—Janer, Condicion social de los Moriscos, p. 127.

[2] Printed in Appendix to the author's "Moriscos," p. 403.

[3] Marmol Carvajal, p. 153.—Salazar de Mendoza, Crónica del gran Cardenal de España, p. 251 (Toledo, 1625).

many converts and there was a flattering prospect that his apostolic methods would bring the mass of the population into the fold.[1]

The process however was too slow for the impatience that looked for immediate results. Ferdinand and Isabella were in Granada from July until November, 1499, and called in Ximenes to the aid of Talavera. His extraordinary energy and imperious temper soon made themselves felt; with liberal presents he gained the favor of the principal Moors; he held conferences with the alfaquíes, whom he induced to instruct their people and, it is said that, on December 18th, three thousand were baptized and the mosque of the Albaycin, or Moorish quarter, was consecrated as the church of San Salvador. The stricter Moslems became alarmed and endeavored to check the movement by persuasion, whereupon Ximenes had them imprisoned in chains; he summoned the alfaquíes to surrender all their religious books, of which five thousand—many of them priceless specimens of art—were publicly burnt. The situation was becoming strained; the Moors were restive under the disregard of their guarantees, and Ximenes grew more and more impetuous. Rupture, under these conditions was inevitable and Ximenes soon brought it about. Christian renegades, known as *elches*, were protected under the capitulations, but he argued that this did not extend to their children who, if not baptized, ought to have been, and who thus were subject to the Inquisition. From Inquisitor-general Deza he procured a delegation of power to deal with them and used it for their arrest. It chanced that a young daughter of a renegade, thus arrested, while being dragged through the plaza of Bib-el-Bonut, cried out that she was to be forcibly baptized in violation of the capitulations. A crowd collected and from words soon came to blows; the alguazil was slain with a paving-stone, and his companion escaped only by a Moorish woman conveying him away and hiding him under a bed. The agitation increased; the Moors flew to arms, skirmished with the Christians and besieged Ximenes in his house. He had a guard of two hundred men who defended the place until the morning, when the Captain-general Tendilla came down from the Alhambra with troops and drove away the mob. For ten days Talavera, Ximenes and Tendilla parleyed with the Moors, who urged that they had not risen against the sovereigns but in defence of the royal faith; that the officials had

[1] Marmol Carvajol, p. 152.—Pedraza, Hist. eccles. de Granada, fol. 174, 186–7.

violated the capitulations, the observance of which would restore peace. Then Talavera, with his chaplain and a few unarmed servants, went to the plaza Bib-el-Bonut, where the Moors kissed the hem of his garments as of old. Tendilla followed and promised pardon if they should lay down their arms, as it should be understood that they were not in revolt, but had only sought to maintain the capitulations, which should be strictly observed in future. The city became quiet; those who had slain the alguazil were surrendered, and four of them were hanged; the Moors cast aside their arms and returned to work.

With such a population, kindness and fair-dealing alone were required to accomplish the desired result, but the inflexible temper of Ximenes had been aroused, and he was resolved on the forcible accomplishment of his purpose. The rumors of the disturbance had greatly alarmed the court at Seville, and Ximenes was bitterly reproached, but he hurried thither, gave his own version of the affair, and pointed out that the Moors had forfeited life and property by rebellion, so that pardon should be conditioned on accepting baptism or expatriation. With fatal facility his arguments were accepted; Tendilla's promises were ignored; the capitulations were cast aside; the Moors were to be taught how little reliance was to be placed on Christian faith; distrust and hatred were to be rendered ineradicable, and a religion was to be forced upon them which could not but be odious, as the visible sign of their subjection. From this false step sprang the incurable trouble which weakened Spain until statesmanship could devise no remedy, save the deplorable expulsion of the most useful and efficient portion of her population. It was not without reason that the admiring biographer of Ximenes admits that, so imperious was his temper that he sometimes acted through fury rather than through prudence, as was seen in the conversion of the Granadan Moors and in the attempt to conquer Africa.[1]

He returned to Granada, armed with full powers, and offered to the people the alternative of baptism or punishment, while a royal judge, sent for the purpose, sharpened their apprehension by executing or imprisoning the more active of the rioters. The choice was readily made and they came forward in thousands for the saving waters of baptism. Instruction in the new faith

[1] Gomesii de Rebus gestis a Francisco Ximenio, Lib. IV, fol. 65; Lib. V, fol. 128; Lib. VII, fol. 219.

was impossible, nor was it wanted. When they asked for it in their own language, and Talavera had the offices and parts of the gospels printed in Arabic, Ximenes objected; it was, he said, casting pearls before swine; it was in the nature of the vulgar to despise what they could understand and to reverence that which was mysterious and beyond their comprehension. He cared little for heart-felt conversion so long as he could secure outward conformity. The number thus rudely inducted into the faith, in the city and the Vega, was estimated at from fifty to seventy thousand and the process which converted them could result only in undying hate for the religion thus forced upon them.[1]

Although no outbreak occurred during this forcible missionary work, the discontent which it excited was threatening, and Ferdinand returned to Granada where he made no secret of his displeasure at the imprudent zeal of Ximenes, especially as it interfered with his designs on Naples. These had to be postponed to meet the imminent danger at home for, although emigration had been large, many had taken refuge in the Alpujarras and were exciting the mountaineers to revolt. To meet this he wrote, January 27, 1500, to the leading Moors, assuring them that all reports that they were to be Christianized by force were false, and pledging the royal faith that not a single compulsory baptism would be made. To reconcile those who had been baptized and to attract others he issued, February 27th, a general pardon to all New Christians for crimes committed prior to baptism and renouncing his claims to confiscation.[2] Meanwhile he had been engaged in raising an army as large as though the conquest was to be repeated, and with this he was engaged, during the rest of the year, in quelling the revolts which broke out in one place after another, supplementing military operations with friars despatched through the mountains to instruct the converts. Massacre and baptism went hand in hand, until the Alpujarras were pacified and the army was disbanded, January 14, 1501.[3]

[1] The principal authority for all this is Marmol Carvajal (Rebelion y Castigo, pp. 153–6), but there are also accounts by Gomez (De Rebus gestis, Lib. II, fol. 30–33); Zurita (Hist. del Rey Hernando, Lib. III, cap. xliv); Galíndez de Carvajal (Coleccion de Docum. XVIII, 296); Bernaldez (Hist. de los Reyes Catholicos, p. 145); Pedraza (Hist. ecles. de Granada, fol. 193, 196).

[2] Clemencin, Elogio de la Reina Isabel, pp. 291–3 (Madrid, 1821).—Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 26.

[3] Zurita, Galíndez de Carvajal, Marmol Carvajal, Bernaldez, *ubi sup.*

Then there came trouble in the Western districts of Ronda and the Sierra Bermeja, where the mountaineers rose, in dread of enforced conversion. Another army was raised, which suffered a severe defeat at Caladui. This brought a pause, during which the insurgents asked to be allowed to emigrate. Ferdinand drove a hard bargain with them, demanding ten doblas for the passage-money and requiring those who could not pay this to remain and submit to baptism. The baptized lowlanders, who had taken to the mountains, were allowed to return home, surrendering their arms and suffering confiscation. Large numbers escaped to Africa, but more remained to curse the faith thus imposed on them. To these New Christians, as we have seen, expatriation was forbidden. Baptism imposed an indelible *character*, and incorporation with the Church subjected them to a jurisdiction which could not be shaken off.

It was vitally important that these New Christians should be interfused with the rest of the population, with the same rights and privileges, so that in time they might form a contented whole, but this was not to be. One wrong always breeds another. The disregard of compacts and the violent methods of conversion inevitably rendered them objects of suspicion, and an edict of September 1, 1501 prohibited the new converts from bearing or possessing arms, publicly or secretly, under penalty, for a first offence, of confiscation and two months' imprisonment and of death for a second—an edict which was repeated in 1511 and again in 1515.[1] Not only was this a bitter humiliation but a serious infliction, at a time when weapons were a necessity for self-protection. There was however another distinction between the classes favorable to the New Christians, for it was provided that, for forty years, they should not be subjected to the Inquisition, in order that they might have full time to acquire knowledge of their new faith.[2] Yet, like all other promises, this was made only to be broken. It was thus, in less than ten years after the capitulation, that the Moors of Granada found themselves to be Christians in defiance of the pledges so solemnly given. Such a commencement could have but one result and we shall see its outcome.

[1] Nueva Recop. Lib. VIII, Tit. ii, ley 8.

[2] When, or on what terms, this exemption was granted to the Moriscos of Granada I have been unable to ascertain, but it is referred to repeatedly in subsequent documents as a matter of common knowledge.

Something might be urged in palliation of this forcible propaganda in that it was unpremeditated and brought about in the turbulence of a settlement between hostile races and religions, and that those who rejected conversion were allowed to depart. All this was lacking in the next step towards enforcing unity of faith. We have seen how the Mudéjares of Castile were loyal and contented subjects, living under compacts centuries old, which guaranteed them the full enjoyment of their religion and laws. To disturb this and convert them, by a flagrant breach of faith, into plotting domestic enemies, without even a colorable pretext, would appear to be an act of madness. Yet it was this that Isabella was led to do, under the influence of her ghostly counsellors, among whom Ximenes can probably be reckoned as the most influential. In bringing about the conversion of Granada, he had cared for little beyond outward conformity and this could be secured among the scattered and peaceful Mudéjares, without encountering the risk attending the attempt among the mountaineers of the Alpujarras, while subsequently the Inquisition could be depended upon for what might be lacking in religious conviction. God should no longer be insulted by infidel rites in Spain, and the land could not fail to be blessed when thus united in the true faith. Such we may assume to have been the reasoning which led Isabella to a measure so disastrous. That Ferdinand's practical sense disapproved of it may be inferred from the fact that, when he talked of similar action in Aragon, he readily yielded to the remonstrances of his nobles.

Persuasion, backed by threats, was first essayed. Instructions were sent to the royal officials that the Mudéjares must adopt Christianity and, when the corregidor of Córdova replied that force would be necessary, the sovereigns replied, September 27, 1501, that this was inadmissible, as it would scandalize them; they were to be told that it was for the good of their souls and the service of the king and queen and, if this proved insufficient, they could be informed that they would have to leave the kingdom, for it was resolved that no infidels should remain.[1] But four years had elapsed since the refugee Moors from Portugal had been invited to settle in Castile, and this sudden change of policy shows what influences had been brought to bear on Isabella during that brief interval.

[1] Boronat, Los Moriscos españoles, I, 113.

This tentative measure seems to have met with success so slender that more stringent methods were recognized as necessary and, on February 12, 1502, a pragmática was issued, shrewdly framed to give at least the appearance of voluntary action to the expected conversion. It alluded to the scandal of permitting infidels to remain after the conversion of Granada; to the gratitude due to God, which would fitly be shown by the expulsion of his enemies, and to the protection of the New Christians from contamination. All Moors were therefore ordered to leave the kingdoms of Leon and Castile by the end of April, abandoning their children, the males under fourteen and the females under twelve years of age, who were to be detained. The exiles were allowed to carry with them their property, except gold and silver and other prohibited articles. There was nothing said as to an alternative of baptism, but the conditions of departure rendered expatriation so difficult that it was self-evident that there was no intention of losing so valuable a portion of the population. Under pain of death and confiscation, the exiles were to sail only from ports of Biscay; they were not allowed to go to Navarre or the kingdoms of Aragon; as there was war with the Turks and with the Moors of Africa, they were not to seek refuge with either, but were told that they might go to Egypt or to any other land that they might select. They were never to return, nor were Moors ever to be admitted to the Castilian kingdoms, under penalty of death and confiscation, and any one harboring them after April was threatened with confiscation. One exception was made in favor of masters of Moorish slaves, who were not deprived of them, but they were to be distinguished by the perpetual wearing of fetters.[1]

The voluntary character of the conversion which ensued is revealed in the fact that when zealous Moslems, in spite of almost insuperable obstacles, preferred to risk the perils of emigration they were not allowed to do so, but were forced to become Christians.[2] During the brief interval allowed, there was some pretence of preaching and instruction and, as it neared its end, the Mudéjares were baptized in masses. A report from Avila, April 24th, to the sovereigns, says that the whole aljama, consisting of two

[1] Nueva Recop., Lib. VIII, Tit. ii, ley 4.—Cf. Fernández y González. p. 219.

[2] Galíndez de Carvajal (Col. de Documentos, XVIII, 301–4). Zurita, while quoting Carvajal, disputes this, but admits that the conversion was not voluntary.—Hist. del Rey Hernando, Lib. IV, cap. 54.

thousand souls, will be converted and none will depart.[1] In Badajoz, we are told that the bishop, Alfonso de Manrique—the future inquisitor-general—won them over by kindness, so that they were all baptized and took his name of Manrique.[2] Thus, externally at least, the kingdoms of the crown of Castile enjoyed unity of faith, but this was not accompanied with the desirable assimilation of the population. The new converts continued to form a class apart and came to be known by the distinctive name of Moriscos.

The nominal Christianity thus imposed upon those reared in the tenets of Islam was only the beginning of the task assumed by the state. The more difficult labor remained of rendering them true Christians, if the advantage was to be secured of moulding discordant races into a homogeneous community, which alone could justify the violent measures adopted. The unity of faith, which was the ideal at the time of both churchman and statesman, means more than mere outward conformity; it means that all should form a united nation, animated with the same aspirations and the same hopes, here and hereafter, and conscientiously sharing a common belief. In a land like Spain, populated by diverse races, this was an object worth many sacrifices; if it could not be attained, the enforced baptism of a powerful minority only exaggerated divergence and perpetuated discord.

To secure the desired result by the employment of force, through the Inquisition, could not fail to intensify abhorrence of a religion which, while professing universal love and charity, was known only as an excuse for oppression and cruelty. Yet the only alternative was the slow and laborious process of disarming the prejudices already aroused, and winning over the reluctant convert by gentleness and persuasion, by kindly instruction and demonstration that the truths of Christianity were not mere theological abstractions, of no vitality in practical life. We have seen the embodiment of the two methods in Ximenes and Talavera, and it was the fatal error of those who ruled the destinies of Spain that they had not patience and self-denial resolutely to follow the latter. Haltingly and spasmodically they tried to do so, with only persistence enough to put themselves in the wrong and deprive of

[1] Col. de Documentos, XXXVI, 447.

[2] Bravo, Catálogo de los Obispos de Córdova, I, 411 (Córdova, 1788).

justification the concurrent employment of the easier process of coercion. From one cause or another, as we shall have occasion to see, the intermittent and ineffective attempts at persuasion failed miserably, while the perpetual irritation of persecution led inevitably to chronic exasperation.

Five years had elapsed since the coercive baptism which, under the precepts of the church, should have been preceded by competent understanding of the mysteries of the faith, when Ximenes attained, in 1507, the inquisitor-generalship. One of his earliest acts was a letter to all the churches prescribing the deportment, in religious matters, of the New Christians and their children, including regular attendance at the mass, instruction in the rudiments of the faith, and avoidance of Judaic and Mahometan rites.[1] Presumably this accomplished little and, in 1510, Ferdinand addressed all his prelates, pointing out the neglect of Christian observances by the Conversos, and ordering the bishops to enforce their presence at mass and to provide for their instruction, matters to which the parish priests must devote special attention.[2] The council of Seville, in 1512, responded to this by calling attention to the number of new converts who greatly needed religious instruction. The prelates, who were responsible for the salvation of souls, were ordered to depute for that purpose learned men, who should specially investigate their manner of life and their commission of sins pertaining to their old faith. All parish priests were ordered to make out lists of the converts and see that they conformed to the mandates of the church, and special lists were to be compiled of those who had been reconciled by the Inquisition, with orders to attend mass on Sundays and feast-days, so that their fulfilment of their sentences could be enforced.[3] From what we know of the failure of subsequent measures of this kind we may safely assume that these received little attention from those who would have been obliged to expend money and labor in their execution.

Simultaneously with his letters of 1510, Ferdinand had applied to Julius II, representing that, since 1492, there had been converted many Jews and Moors who, through insufficient instruction, had been led to commit many heretical crimes; he had ordered their

[1] Gomesii de Rebus gestis Lib. III, fol. 77.
[2] Danvila y Collado, Expulsion, p. 74.
[3] Concil. Hispalens., ann. 1512, Cap. 2 (Aguirre, V, 363).

instruction, but it would be inhuman to visit them with the full rigor of the canons, and he therefore asked faculties to publish an Edict of Grace, under which those coming in could be reconciled without confiscation and public abjuration, so that, in case of relapse, they could escape relaxation.[1] The conditions appended to Edicts of Grace so reduced their effectiveness that this has importance only as an indication that Ferdinand, as we shall see elsewhere, was rather disposed to check inquisitorial ardor in the prosecution of Moriscos, but he atoned for this on his death-bed, by a clause in his will commanding his grandson Charles to appoint inquisitors zealous for the destruction of the sect of Mahomet.[2] This was superfluous for, as the stock of Judaizers became reduced, Moriscos supplied their place, and the Inquisition required curbing rather than stimulation. That Charles recognized this is seen in various Edicts of Grace issued in their favor, for certain districts, between 1518 and 1521, edicts which relieved them from confiscation and the sanbenito but did not protect from relapse or exempt from denunciation of accomplices.[3]

There was little practical relief to be expected from such measures, but at least they indicate the conviction of the rulers that it was both unjust and impolitic to visit with the rigor of the canons those who had been forced into the Church and had had no spiritual instruction. Still, the canon law was a positive fact; an elaborate machinery had been instituted for its enforcement, with no corresponding organization to render the new religion attractive instead of odious, and a situation had been created for which there was no radical cure. Alleviation was the only resource, and this was attempted, although the fluctuating policy adopted only intensified the evil for the future. In pursuance of this Cardinal Adrian, August 5, 1521, issued orders that no arrests should be made except on evidence directly conclusive of heresy, and even then it must first be submitted to the Suprema. This seems to have received so little obedience that Archbishop Manrique, April 28, 1524, repeated it in more decisive fashion. He recited the conversion of the Moriscos by Ferdinand and Isabella, who promised them graces and liberties, in pursuance of which

[1] Archivo de Simancas, Inq., Lib. 3, fol. 72.

[2] Mariana, Hist. de España, Ed. 1796, Tom. IX, Append. p. lvi.

[3] Archivo de Simancas, Inq., Lib. 4, fol. 97; Lib. 9, fol. 2, 13, 29; Lib. 940 fol. 69, 131, 185.

Cardinal Adrian had issued many provisions in their favor, ordering the tribunals not to prosecute them for trifling causes and, if any were so arrested, they were to be discharged and their property be returned to them. In spite of this, the inquisitors continued to arrest them on trivial charges, and on the evidence of single witnesses. As they were ignorant persons, who could not readily prove their innocence, these arrests had greatly scandalized them, and they had petitioned for relief, wherefore the Suprema ordered inquisitors not to arrest them without conclusive evidence of heresy, and when there was doubt it was to be consulted. All who were held for matters not plainly heretical were to have speedy justice, tempered with such clemency as conscience might permit.[1]

How completely these instructions were ignored is manifest in the trials of the Moriscos where, as in those of the Judaizers, any adherence to customs, which for generations had formed part of daily life, was sufficient for arrest and prosecution. It was not merely the fasting of the Ramadan, the practice of circumcision, the Guadoc or bath accompanied with a ritual, or the Taor, another kind of bath used prior to the Zala, or certain prayers uttered with the face turned to the East, at sunrise, noon, sunset and night. These were well-defined religious ceremonies admitting of no explanation, but there were numerous others, innocent in themselves, which implied suspicion of heresy, and suspicion was in itself a crime. Under skilful management, including the free use of torture, arrest for these simple observances might lead to further confessions, and the opportunity was not to be lost. Abstinence from pork and wine was amply sufficient to justify prosecution, and we hear of cases in which staining the nails with henna, refusal to eat of animals dying a natural death, killing fowls by decollation, the *zambras* and *leilas*, or songs and dances used at merry-makings and nuptials, and even cleanliness, were gravely adduced as evidences of apostasy.[2]

In pursuance of this policy, elaborate lists of all Moorish customs were made out for the guidance of inquisitors; abstracts of these were included in the Edicts of Faith, where every one who had

[1] Archivo de Simancas, Inq., Lib. 939, fol. 89.—Danvila y Collado, p. 98.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., D, 111, fol. 127; PV, 3, n. 20.—Procesos contra Mari Serrana, Mari Naranja, Mari Gómez la Sazeda (MSS. *penes me*).

seen or heard of such things was required under pain of excommunication to denounce them; the Moriscos were subjected to perpetual espionage, and any unguarded utterance, which might be construed as inferring heretical leaning, was liable to be reported and to lead to arrest and probable punishment. It is true that from these slender indications the inquisitorial process frequently led up to full confession, but this did not render the position of the Morisco less intolerable, and constraint and anxiety contributed largely to intensify his detestation of the religion which he knew only as the cause of persecution. Bishop Pérez of Segorbe, in 1595, when enumerating fifteen impediments to the conversion of the Moriscos, included their fear of the Inquisition and its punishments which made them hate Christianity.[1] At all events, it secured outward conformity, at least in Castile, where they were gradually assimilating themselves to the Old Christians; they had long since abandoned their national dress and language; they were assiduous in attendance at mass and vespers, the confessional and the sacrament of the altar; they participated in processions and interments and were commonly regarded as Christians, whatever might be the secrets of their hearts.[2]

Doubtless, as time wore on, many were won over and became sincerely attached to their new faith, but every now and then little communities of apostates were brought to light. Thus, in 1538, Juan Yañés, Inquisitor of Toledo, included Daimiel in a visitation. It had a Morisco population, which had been baptized in 1502, and had apparently been overlooked so long that it had grown somewhat careless. A woman reported to Yañés that she had lived with Moriscos for twelve years and had observed that they did not use pork or wine, on the plea that these things disagreed with them. This sufficed to start an investigation which so crowded the secret prison that we hear of nine women confined in a single cell, and of the hall of the Inquisition being used as a place of detention. Yet this vigorous work did not extirpate the evil for, in 1597, the Toledo tribunal was busy with heretics from Daimiel.[3] More shocking was a case in which María Páez, daughter of Diego Páez Limpati of Almagro, figured, for she accused all her kindred and friends. Her father was burnt in 1606, as

[1] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.
[2] Bleda, Corónica, p. 905.
[3] MSS. *penes me.*—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

an impenitent negativo; her mother, who confessed, was reconciled and imprisoned, and in all twenty-five Moriscos of Almagro suffered, of whom four were relaxed. In the Toledo record, from 1575 to 1610, there are a hundred and ninety cases of Moriscos as against a hundred and seventy-four of Judaizers, and forty-seven of Protestants, showing that, notwithstanding the influx of Portuguese, the Moriscos were the most numerous heretics with which the tribunal had to deal.[1] The old Mudéjares of Castile had fallen upon evil times, but worse were in store for them.

Granada presented a more difficult and dangerous problem, requiring the most sagacious statesmanship to reconcile political safety with the demand for unity of faith, yet this delicate situation was treated with a blundering disregard of common-sense characteristic of Philip II. The population was almost wholly Morisco, and the country was rugged and mountainous, offering abundant refuge for the despairing. The so-called conversion of 1501 had worked no change in their belief. They were hard-working, moral, honorable in their dealings, and charitable to their poor, but they were Moslems at heart; if they went to mass, it was to escape the fine; if they had their children baptized, they forthwith washed off the chrism and circumcised the males; if they confessed during Lent, it was merely to obtain the certificate; if they learned the prayers of the Church, it was in order to get married, after which they were forgotten with all convenient speed. They had been promised forty years' exemption from the Inquisition, but they were rendered disaffected by the abuses of judicial avarice and the insolent domination of the officials, secular and ecclesiastical.[2]

In 1526 Charles V was in Granada, where, in the name of the Moriscos, three descendants of the old Moorish kings, Fernando Vinegas, Miguel de Aragon and Diego López Benexara, appealed to him for protection against the ill-treatment by the priests, the judges, the alguaziles and other officials, whereupon he appointed a commission to investigate and report. Fray Antonio de Guevara, shortly to be Bishop of Guadix, was one of the commissioners and, in a letter to a friend, he describes the Moriscos as offering so much that required correction that it had better be done in

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Pedraza, Hist. eccles. de Granada, fol. 236–8.

secret, rather than by public punishment; they had been so ill-taught, and the magistrates had so winked at their errors, that remedying it for the future would be enough without disturbing the past.[1] This shows the spirit in which the commission performed its work; the incriminated priests and officials had turned the tables on their accusers, who were now defendants. The report of the commission confirmed the complaints of ill-usage, but stated that among the Moriscos there were not to be found more than seven true Christians. This was submitted to a junta, presided over by Inquisitor-general Manrique, and the result was an edict known as that of 1526. It granted no relief from oppression, but concerned itself with the apostasy of the Moriscos, which it sought to cure, not by instructing them, but by rendering their condition still more intolerable. In violation of promises, the Inquisition of Jaen was transferred to Granada. Amnesty for past offences was granted, and a term of grace was provided for those confessing voluntarily, after which the laws against heresy were to be rigorously enforced, although for some years fines were substituted for confiscation and time was allowed in which the penitents could earn them.[2]

This was supplemented with a series of most vexatious regulations, prohibiting the use of Arabic and of Moorish garments and of baths; Christian midwives were to be present at all births; disarmament was enforced by a rigid inspection of licences; the doors of Moriscos were to be kept open on feast-days, Fridays, Saturdays and during weddings, to prevent the use of Moorish ceremonies; schools to train children in Castilian were to be established at Granada, Guadix and Almería: no Moorish names were to be used and Moriscos were not to keep *gacis* or unbaptized Moors, whether free or slave.[3] This naturally caused great agitation; the Moriscos held a general assembly and raised eighty thousand ducats to be offered to Charles for a withdrawal of the edict. His advisers were doubtless propitiated and, before leaving Granada, he suspended it during his pleasure and permitted the carrying of a sword and dagger in the towns and of a lance in the open

[1] Sandoval, Hist. de Carlos V, Lib. xiv, cap. 18.—Guevara, Epístolas familiares p. 543.

[2] Sandoval, *ubi sup.*—Dormer, Añales de Aragon, Lib. ii, cap. vii.—Archivo de Simancas, Lib. 926, fol. 80.

[3] Dormer, *ubi sup.*—Bleda, Corónica, p. 566.—Marmol Carvajal, p. 158.—Nueva Recop., Lib. viii, Tit. ii, leyes 13, 15, 17.

country. A special tax, known as *farda*, probably dates from about this period, under which the use of Moorish garments and language was permitted and, in 1563, we chance to learn that this amounted to twenty thousand ducats per annum.[1]

It would seem that, for awhile, the Inquisition troubled the Moriscos but little for, in its first general auto, held in 1529, out of eighty-nine culprits, while there were seventy-eight for Judaism there were but three for Mahometanism, and one of these was in effigy.[2] Still it provoked disquiet and, in 1532, Captain-general Mondéjar suggested to Charles its suspension, since it had done nothing and could find nothing against the Moriscos. This was unfortunate, for it stimulated the tribunal to greater activity against them, leading to numerous offers on their part to Charles and, after his abdication, to Philip II, of liberal payments for relief. Charles's necessities prompted him to listen to these propositions, but the Inquisition managed to prevent their success, while Philip of course turned a deaf ear to them. Even Inquisitor-general Valdés, in 1558, during his disfavor at court, seems to have taken a hand in these negotiations, for we find him promising a *subsidio* of a hundred thousand ducats from the Moriscos of Granada.[3]

The condition of the Moriscos was steadily growing worse, and the situation in Granada was becoming dangerously explosive. The Inquisition was more active than ever; all the old oppressions by the priests and judicial officers continued unchecked, and a new source of intense irritation was the progressive spoliation of their lands by "judges of boundaries" who, in the name of the king, deprived them of properties inherited or purchased—in short, they were *gente sin lengua y sin favor*—friendless and defenceless.[4] Then, in 1563, an old order to present to the captain-general all licences to bear arms was revived under a penalty of six years of galleys.[5] In 1565 a fresh source of trouble was created by extending the royal jurisdiction over the lands of the nobles, in which many Moriscos, who in years past had committed

[1] Dormer, Bleda, Marmol Carvajal, *loc. cit.*—Relazioni Venete, Serie I, Tom. V, p. 37.

[2] Rule, History of the Inquisition, I, 172 (London, 1874).

[3] Archivo de Simancas, Inq., Lib. 926, fol. 80–2, 86–7.—Gachard, Retraite et Mort de Charles-quint, II, 356.

[4] Mendoza, Guerra de Granada, p. 71 (Bibl. de Autores españoles, T. XXI).

[5] Danvila y Collado, Expulsion, p. 172.

crimes, had sought asylum. Eager for fees, the notaries and justices searched the records and made arrests, until there was scarce a Morisco who did not live in daily fear. Many took to the mountains, joining the bands of *monfies*, or outlaws, and committing outrages, while the measures taken for their suppression only increased the disorder.[1]

The condition of Granada was one which required firmness and conciliation, but infatuation prevailed in Philip's court, and the occasion was seized to aggravate irritation beyond endurance. Guerrero, Archbishop of Granada, in returning from Trent in 1563, had tarried in Rome, where he lamented to Pius IV that his flock was Christian only in name. Pius sent by him an urgent message to Philip, reinforced by orders to his nuncio, the Bishop of Rossano, to the same purport. Guerrero, on reaching home, assembled a provincial council in 1565, in which he endeavored to restrain the oppression of the Moriscos by the ecclesiastics, but his chapter appealed from the conciliar decrees and the effort was nugatory. He had more success in inducing the bishops to join in urging upon the king the adoption of measures to prevent the Moriscos from concealing their apostasy, and he wrote to Philip, begging him to purify the land from this filthy sect; it could readily, he said, be found who were really Christians by prohibiting the things through which their rites were kept from view.[2]

Philip referred Guerrero's memorial to a junta presided over by Diego de Espinosa, recently made President of Castile and soon to be inquisitor-general. It reported that, presuming the Moriscos to be Christians by baptism, they must be compelled to be so in fact, to which end they must be required to abandon the language, garments and customs of Moors, by reviving the edict of 1526, and this was solemnly charged upon the royal conscience. Philip thereupon consulted privately Dr. Otadui, professor of theology at Salamanca, and shortly to be Bishop of Avila, who, in his reply, told the king that, if any of the lords of the Moriscos should cite the old Castilian proverb "The more Moors the more profit" he should remember an older and truer one, "The fewer enemies the better" and combine the two into "The more dead

[1] Marmol Carvajal, p. 160.—Cabrera, Felipe Segundo, pp. 293, 429 (Madrid, 1619).—Memoria de Mondéjar, pp. 14–16 (Morel-Fatio, L'Espagne an xvie et xviie Siècle).—Mendoza, p. 71.—Pedraza, fol. 239.

[2] Cabrera, p. 393.—Pedraza, fol. 238.

Moors the better, for there will be fewer enemies"—advice which, we are told, greatly pleased the monarch, in place of opening his eyes to the policy which was converting his subjects into his enemies.[1]

A pragmática was speedily framed, embodying the most irritating features of the edict of 1526, and Pedro de Deza, a member of the Suprema and of Espinosa's junta, was appointed president of the chancellery of Granada and sent there, May 4, 1566, under orders to publish and enforce it without listening to remonstrances. It illustrates Philip's method of government that Captain-general Mondéjar, although at the court, was not even apprised of the measure, until an order was conveyed to him through Espinosa to return to Granada and be present at the publication. He was captain-general by inheritance, being grandson to the Tendilla placed there at the conquest; he had lived in Granada from his boyhood, he had been captain-general for thirty years and was thoroughly familiar with the situation. He represented that Granada was destitute of troops and of munitions, and he begged either that the measure be suspended or that he be furnished with forces to suppress the revolt that he foresaw to be inevitable. It was in vain; Espinosa curtly told him to go to his post and mind his own business and, although the Council of War supported him, he was given only three hundred men to guard the coast, where he was ordered to reside during certain months and to visit frequently.[2]

Deza reached Granada, May 25, 1566, where he at once assembled his court and had the pragmática printed to be in readiness for publication on January 1, 1567, the anniversary of the surrender of the city, as though to create additional exasperation. Its provisions were sufficiently exasperating in themselves. After three years the use of Arabic was absolutely prohibited, in speech and writing; so were Moorish garments after one year for silken and two years for woollen; house doors were to be kept open on Friday afternoons, feast-days and marriage celebrations; zambras and leilas, though not contrary to religion, were forbidden on Fridays and feast-days; the use of henna for staining was to be abandoned; Moorish names were not to be used; all artificial

[1] Cabrera, pp. 394, 466.—Pedraza, fol. 238–9.

[2] Memoria de Mondéjar (Morel-Fatio, p. 17).—Marmol Carvajal, p. 167.—Cabrera, p. 465.—Pedraza, fol. 239.

baths, public and private, were to be destroyed, and no one in future was to use them.[1] Provisions for instructing the Moriscos in the faith were conspicuous by their absence.

All this could only seem to them a wanton interference with habits that had become a second nature and when, on January 1, 1567, the edict was published it created indescribable excitement. As an earnest of its enforcement, all baths were forthwith destroyed, commencing with those of the king. The aljamas throughout the kingdom consulted with the leaders of the Albaycin, or Morisco quarter of the city, and it was agreed that, if relief was not to be had by entreaty, resort must be had to rebellion, for life was insupportable under such tyranny. Even Deza recognized the threatening prospect and wrote to the court that precautions should be taken against a rising; during 1567, he mitigated, in some degree, the enforcement of the law and inflicted no punishment under it. The Moriscos appealed to Philip, but, when he referred the memorial to Espinosa, the latter replied that no suspension could be considered; religious men had charged the king's conscience, telling him that he was responsible for the souls of the apostates. In the Council of State, the Duke of Alva and the Commendador of Alcántara were in favor of suspension, and the Council suggested the gradual enforcement of one article a year, but Espinosa and Deza had more influence than soldiers and statesmen—it was a religious question with which the latter had nothing to do.[2]

On January 1, 1568, orders were issued to abandon all Moorish silken garments, and the priests were instructed to take all Morisco children, between the ages of three and fifteen, and place them in schools, where they should learn Castilian and Christian doctrine. This increased the agitation and a deputation was sent to remonstrate with Deza, who gave assurances that their children were not to be taken from them, but that the king was resolved to save

[1] Marmol Carvajal, pp. 161–2.—Pedraza, fol. 239.

This prohibition of bathing, even by Christians, is a curious illustration of the civilization of the period. It had degenerated since the Fuero of Teruel, granted in 1176, by Alfonso II of Aragon, which prescribed that the public bath should be used by men on Tuesdays, Thursdays and Saturdays, by women on Mondays and Wednesdays, and by Jews and Moors on Fridays. On Sundays the bath was closed and no water was heated.—Forum Turolii: Transcripcion de Francisco Aznar y Navarro, p. 142 (Zaragoza, 1905).

[2] Marmol Carvajal, pp. 166, 168.—Cabrera, p. 465.—Pedraza, fol. 240.

their souls and enforce the pragmática.[1] The naked alternative was before them of submission or rebellion.

Desperate as rebellion might seem, it was not wholly hopeless. The Moriscos estimated that they could raise a hundred thousand fighting men, lamentably deficient in arms, it is true, but hardy and enured to privation. They counted largely on aid from Barbary, hoping that the rulers there would not miss the opportunity of striking a deadly blow at their traditional enemy. Their brethren, too, in Valencia, who were equally oppressed, might reasonably be expected to rise and throw off the Spanish yoke. They could not, moreover, be ignorant that the imposing Spanish monarchy was in reality exhausted—that its internal strength in no way corresponded with its external appearance. All the Venetian envoys of the period, in fact, describe the absence of military resources in Spain, the difficulty of raising troops and the unfamiliarity with arms of those who made such splendid soldiers when disciplined and trained. It was in this very year that Antonio Tiepolo, when commenting on the strange neglect which exposed the southern coast to the ravages of the Barbary corsairs, expresses apprehension that an invasion from Africa, supported by the Moriscos, might expose Spain to the fate which it experienced of old.[2] It had been bled to exhaustion by Charles V and Philip was continuing the process. As with men, so was it with money. Charles had left such an accumulation of debt that Philip, on his accession, seriously contemplated repudiation, and he staggered under an ever-increasing burden, from which the treasures of the New World afforded no relief. His revenues were consumed in advance, and during the rebellion it was with the utmost difficulty that moderate sums could be furnished for the most pressing necessities. It was most fortunate for the monarchy that the hopes of the insurgents as to external aid were

[1] Marmol Carvajal, p. 167.—Pedraza, fol. 241.

[2] Relazioni Venete, Serie I, T. V, p. 145.

The Córtes of 1570 petitioned Philip to repeal the prohibition of using arquebuses in the chase, pointing out that the war in Granada had shown the scarcity of the weapon in Spain and the lack of men that could use it. They also referred to the difficulty experienced in arming the levies and suggested that the cities and towns should be permitted to provide armories at their own cost under such restrictions as the king might prescribe. To these petitions the royal replies were equivocal. It is all highly significant of the suspicions entertained by the monarch as to the loyalty of his subjects.—Córtes de Córdova del año de setenta, fol. 6, 12 (Alcalá, 1575).

disappointed, for a united effort of the Crescent against the Cross might have changed the destiny of the Peninsula. As it was, the Moriscos of Valencia were kept quiet; the Sultan held aloof; the Barbary princes only gave permission for adventurers to go as volunteers, and some five or six hundred straggled in small bands across the sea. Yet the resources of Spain were strained to the utmost in subduing the isolated rebellion thus heedlessly provoked.

Arrangements were made for a rising on Holy Thursday (April 18, 1568), but the secret was betrayed and the design was postponed. Even this failed to induce the precaution of placing Granada in a state of defence and, when the rebellion broke out, December 23d, it found the Christians wholly unprepared. Mondéjar met the crisis with great vigor and ability. Raising a hurried force of a few thousand men, he marched out of the city on January 2, 1569 and, in a difficult winter campaign amid the mountain snows, by the middle of February he had virtually crushed resistance. Deza, however, backed by those who thirsted for rapine and plunder, poisoned the mind of the king; Mondéjar's agreements for the submission of the insurgents were set aside; Philip sent his half-brother, Don John of Austria, then an inexperienced youth, to take command, assisted by a council of war, each member of which had his own plan of campaign, while no action was to be taken without the approval of the king. This *opéra bouffe* method of making war had its natural result. The rebellion revived and grew stronger than ever, making raids on the Vega, almost to the gates of the city, in which Don John and his council were virtually beleaguered.

The details of the war that ensued do not concern us here except to say that it was carried on with ferocious greed and cruelty. Military expeditions were frequently mere slave-hunts, in which the men were massacred, while women and children were brought in thousands to the auction-block and were sold to the highest bidders. Nor were the Moriscos the only sufferers, for the Córtes of 1570 complained bitterly of the rapine and excesses of the troops on their way to the scene of action.[1] Hostilities were prolonged until the opening months of 1571 and, when resistance was finally suppressed, Spain was well-nigh exhausted. The pacification

[1] Córtes de Córdova del año de setenta, fol. 13 (Alcalá, 1575).

was as ruthless as the prosecution of the war. In advance, it had been proposed at the court to remove the whole population to the mountains of Northern Spain, and Deza, the evil genius of Granada, never lost sight of the suggestion.[1] At his earnest solicitation it was commenced with the Albaycin, as early as June, 1569. No distinction was made between loyalists and rebels. The men were shut up in the churches and then transferred to the great Hospital Real, a gunshot from the city, where they were divided into gangs, with their hands tied to ropes like galley-slaves, and were marched off to their destinations under guard. The women were left for a time in their houses, to sell their effects and follow. Some seven or eight thousand were thus disposed of, and even the chroniclers are moved to compassion in describing the misery and despair of those thus torn from their homes without warning and hurried off to the unknown. Many died on the road of weariness, of despair or of starvation, or were slain or robbed and sold as slaves by those set to protect them. It relieved the Christians of fear, we are told, but it was deplorable to see the destruction of prosperity and the vacancy left where had been so much life and industry.[2]

This policy was carried out everywhere, as one district after another was reduced. Final instructions from Philip to Don John, October 25, 1570, ordered the deportation of all and designated the provinces to which they were to be taken, some of them as far as Leon and Galicia. Families were not to be separated; they were to move in bands of fifteen hundred men, with their women and children, under escort of two hundred foot and twenty horse, with a commissioner who made lists of those under his charge, provided them with food and distributed them in their respective destinations. These orders were carried out. Don John writes, November 5th, from Guadix to Ruy Gómez, that the number removed from that district had been large; the last party had been sent off that day and it was the most unfortunate thing in the world, for there was such a tempest of wind, rain and snow that the mother would lose her daughter on the road, the wife her husband and the widow her infant. It cannot be denied, he added, that the depopulation of a kingdom is the most pitiful thing that can be imagined. It was more than pitiful in some

[1] Dépêches de M. de Fourquevaux, I, 354 (Paris, 1896).
[2] Marmol Carvajal, p. 277.—Mendoza, p. 92.

districts, where the undisciplined soldiery, entrusted with the task, converted it into pillage, massacre and the enslavement of the women and children.[1] Such was the outcome of the pledges given, eighty years before, by Ferdinand and Isabella, but the object of clearing Granada of its Morisco population was measurably accomplished. In an auto de fe celebrated there, in 1593, there appeared eighty-one delinquents convicted of Judaism and only one charged with Mahometanism.[2]

The sufferings of the exiles did not end with deportation. Leonardo Donato, the Venetian envoy, who was an eye-witness, tells us that many perished through miseries and afflictions, which, in fact, was inevitable under the conditions.[3] Their distribution was entrusted to a special *Concejo de Poblaciones*, and an elaborate edict, in twenty-three sections, issued October 6, 1572, specified the regulations under which they were permitted to exist. These scattered them among Christians, kept them under close and perpetual surveillance, and reduced them almost to the status of predial serfs, bound to the soil. No weapons were permitted, save a pointless knife, and savage punishments were provided for the enforcement of the prescriptions. Children were to be brought up, as far as possible, in Christian families, and were to be taught reading, writing and Christian doctrine. The pragmática of 1566 was declared to be in force, with added penalties for the use of Arabic; any one writing or speaking it, even in his own house, incurred, for a first offence, thirty days' prison in chains, fro a second double, for a third a hundred lashes and four years of galleys.[4] The severity of this latter provision shocked even the town-council of Córdova, which had shown itself by no means favorable to the exiles. It represented to the alcalde that God alone could enable them to speak a language of which they were ignorant, especially as the alguaziles were constantly arresting and punishing them, and it begged that action should be suspended until schools could be organized for their instruction, but the alcalde replied that he had no choice and must execute the edict.[5]

In spite of these restrictions on exiles suddenly cast adrift, penniless in strange places, their indomitable industry and thrift

[1] Marmol Carvajal, pp. 341, 364.—Col. de Documentos, XXVIII, 156.
[2] Bibl. nacional, MSS., G. 50, fol. 240.
[3] Relazioni Venete, Serie I, T. VI, p. 407.
[4] Nueva Recop., Lib. VIII, Tit. ii, ley 22.
[5] Janer, p. 256.

soon carved out careers which aroused the envious hostility of the indolent populations among whom they were thrown. Cervantes, in his *Colloquio de los perros*, stigmatizing them as a slow fever which slew as certainly as a violent one, gives expression to the feelings with which the Spaniard, whose only ambition was a position in the army, the Church or the service of the State, and who was a consumer, looked upon the producer and grudged him the product of his toil.[1] Already, in 1573, the Córtes took the alarm and petitioned Philip that they should not be allowed to act as architects or builders, or to hold public office or judicial positions.[2] In truth, only ten years after the exile, an official report complains that the numbers of the deported Moriscos are increasing, because none go to war or enter religion, and they are so hard-working that, after coming to Castile ten years before, without owning a handsbreadth of land, they are now well off and many are rich, so that, if it continues at the same rate for twenty years, the natives will be their servants. This grievance only increased with time. In 1587, Martin de Salvatierra, Bishop of Segorbe, in an enumeration of the evil deeds of the Moriscos, includes the fact that the exiles from Granada had already become farmers of the royal revenues in Castile, depositing cash as security in place of giving bondsmen; that there were individuals worth more than a hundred thousand ducats in Pastrana, Guadalajara, Salamanca and other places and that, if the king did not devise some remedy, they would soon greatly surpass the Old Christians in both numbers and wealth.[3] This jealousy found official utterance in the Córtes of 1592, which represented to Philip that previous ones had asked him to remedy the evils of the Granadan exiles scattered through Castile. Those evils were constantly increasing; they had obtained possession of trade, and were becoming so rich and powerful that they controlled the secular and ecclesiastical tribunals and lived openly in disregard of religion. The response to this was an edict ordering all magistrates to enforce rigidly the restrictive legislation of 1572.[4] This effected nothing for, in 1595, the Venetian envoy describes them

[1] Obras de Cervantes, p. 242 (Ed. Ribadeneyra).

[2] Córtes de Madrid del año de setenta y tres, Peticion 96 (Alcalá, 1575).

[3] Janer, p. 272.—Boronat, I, 626.

[4] Janer, p. 270.—Bleda, Corónica, p. 905.—Nueva Recop., Lib. VIII, Tit. ii, ley 24.

as constantly increasing in numbers and wealth, as they never went to the wars and devoted themselves exclusively to trade.[1] In 1602, Archbishop Ribera bears the same testimony; they were hard-working and thrifty, and as they spent little on food or drink or clothing, they worked for what would not support an Old Christian, so that they were preferred by employers and consumers; they monopolized the mechanic arts and commerce, as well as daily labor.[2] The envious prejudices which thus found expression were a factor not unimportant among the causes leading to the expulsion.

All the exiles however were not thus peacefully laborious. About 1577, there arose complaints of seven or eight bands of Moriscos who lived by robbery and murder and terrorized the districts in which they operated. There was also a noted centre of lawlessness in Hornachos, near Badajos, populated by Moriscos. For thirty thousand ducats they bought from Philip the privilege of bearing arms; they had a regular organization and a treasury and a mint employing thirteen operatives for the coinage of counterfeit money, while, by judicious bribery of the courts, they protected their criminals when caught. In 1586 the Llerena tribunal made a raid on them with such success that it was obliged to hire houses to accommodate its prisoners, but the effect of this was temporary and, in October 1608, an alcalde of the court, Gregorio López Madera, was sent there to investigate and punish. Alcaldes of the court were noted for unsparing justice, and Madera did not belie this reputation. His inquest resulted in finding eighty-three dead bodies in the vicinity; he hanged ten members of the town-council and its executioner; he sent a hundred and seventy men to the galleys, scourged a large number, and left the place peaceful for the short interval before it was depopulated by the expulsion.[3]

In the kingdoms of the crown of Aragon the position of the Moriscos was different from that in Castile. They were mostly vassals of the nobles, settled on lands of which they held the

[1] Relazioni Venete, Serie I, T. V, p. 451.

[2] Ximenez, Vida de Ribera, p. 379.

[3] Janer, p. 272.—Boronat, I, 318.—Bleda, Corónica, p. 921.—Guadalajara y Xavierr, Expulsion de los Moriscos, fol. 122-3 (Pamplona, 1613).—Cabrera, Relaciones, p. 355.

dominium utile, while their lords owned the *dominium directum*. For these lands they paid tribute in money, in kind, or in service, and we are told that these imposts amounted to the double of what could be exacted from Christians.[1] It is easy to appreciate the old proverb "The more Moors the more profits," and also that the nobles were vitally interested in protecting their vassals from external interference. Their ability to do this was largely owing to the sturdy independence with which the ancient fueros and privileges were maintained.

Alarm was taken early for, in 1495, the Córtes of Tortosa obtained from Ferdinand a fuero that he would never expel or consent to the expulsion of the Moors of Catalonia and, after the occurrences in Castile, the Córtes of Barcelona, in 1503, represented the destruction which it would cause and obtained a repetition of the pledge.[2] At the Córtes of Monzon, in 1510, he renewed this, with the addition that he would make no attempt to convert them by force, nor throw any impediment in the way of their free intercourse with Christians and, to the observance of this, he took a solemn oath, a repetition of which was exacted of Charles V, on his accession in 1518.[3] Under these guarantees, both the Moors and their lords might well imagine themselves secure.

As we have seen, the jurisdiction of the Inquisition did not extend to the unbaptized, so long as they committed no offences against religion. It had little scruple however in disregarding its limitations and, in Valencia as early as 1497, it undertook to prevent the wearing of Moorish costume and sent officials to Serra to arrest some women for disobedience. They were not recognized and were maltreated, while the women were conveyed away. We have seen how the tribunal arbitrarily avenged itself by arresting all residents of Serra who chanced to come to Valencia and that, when appeal was made to Ferdinand, he expressed his displeasure and ordered greater moderation in future—yet the leaders in the resistance at Serra were imprisoned for three years and suffered confiscation and banishment, leading to considerable correspondence in which Ferdinand sought to mitigate the harsh-

[1] Sandoval, Lib. XII, § xxviii.

[2] Danvila y Collado, pp. 75, 76.—Constitutions y altres Drets de Cathalunya, p. 34 (Barcelona, 1688).

[3] Fernández y González, p. 441.—Bleda, Corónica, p. 641; Ejusd. Defensio Fidei, p. 156.

ness of the tribunal. He showed the same disposition towards the Moorish aljama of Fraga, which was concerned in the confiscation of a certain Galceran de Abella, and also towards the Moors of Saragossa, when involved in trouble with that tribunal by reason of harboring a female slave who had escaped from Borja.[1]

After the enforced conversion of the Castilian Moors, the tribunal of Aragon overstepped its powers by endeavoring, indirectly if not directly, to compel submission to baptism. The Duke and Duchess of Cardona, the Count of Ribagorza and other magnates complained, in 1508, to Ferdinand, who reprimanded the inquisitors sharply for exceeding their jurisdiction, with much scandal to the Moors and damage to their lords. No one, he said, should be converted or baptized by force, for God is served only when confession is heartfelt, nor should any one be imprisoned for simply telling others not to turn Christian. In future, no Moor was to be baptized unless he applied for it: any who were imprisoned for counselling against conversion were to be released at once, and the papers were to be sent to Inquisitor-general Enguera for instructions, nor were arrests to be made without his orders. As it was reported that others had fled in fear of forcible conversion or imprisonment, steps must be taken to bring them home with full assurance against violence.[2] In the same spirit, in 1510, when some Moors in Aragon had been converted, and had consequently been abandoned by their wives and children, Ferdinand ordered the inquisitors to permit them to return, and not to exert pressure on them or to baptize them forcibly.[3] Ferdinand understood his Aragonese subjects and had learned when to respect their fueros.

These incidents indicate that there was a movement on foot which sometimes overstepped the limits of persuasion. There was, in fact, a process of voluntary conversion, affording hope that in time the wished-for unity of faith might be accomplished without coercion. A Catalan alfaqui, named Jacob Teller, was baptized and brought several aljamas to embrace Christianity, when Ferdinand to all him granted him license to travel everywhere and to have entrance into all aljamas, whose members were required to assemble and listen to him.[4] The Moors of Caspe

[1] Archivo de Simancas, Inq., Lib. 1.
[2] Ibidem, Lib. 826, fol. 78.
[3] Ibidem, Lib. 3, fol. 182.
[4] Ibidem, Lib. 3, fol. 245.

sought baptism in 1499; in the district of Teruel and Albarracin, in 1493, a mosque was converted into the church of the Trinity and, in 1502, the whole population embraced Christianity.[1] Wholesale conversions such as these were apt to furnish backsliders and, when the Inquisition undertook to punish those of Teruel and Albarracin, Charles V interposed, in 1519; he understood, he said, that many of the children of the Conversos, who had lapsed, desired to return to the faith, but were deterred through fear of punishment, wherefore he granted them a term of grace for a year, during which they could come forward and confess without incurring confiscation, and similar concessions were made in Tortosa and other cities.[2]

Valencia, which had the largest and densest Moorish population, was also the scene of considerable proselyting and of vigorous inquisitorial action. An influential alfaquí, named Abdallah, was converted, took orders as a priest, under the title of Maestro Mossen Andrés, and devoted himself to winning over his brethren. He wrote a work controverting the Koran chapter by chapter, which was printed and circulated.[3] The little town of Manices must have been converted almost in mass, for we happen to have a sentence uttered in the church there, by the inquisitors of Valencia, April 8, 1519, on two hundred and thirty Moriscos, then present, who had come in under an Edict of Grace, confessing and abjuring the errors into which they had relapsed. They were received to reconciliation, apparently without confiscation, and the penances prescribed were purely spiritual, although in addition they were subjected to the customary severe disabilities. There must have been not a little cruel preliminary work for, in the list of these penitents, no less than thirty-two women are described as the wives or daughters of men who had been burnt.[4] It is

[1] Archivo de Simancas, Inq., Lib. 1.—Múñoz, Diario Turolense, ann. 1502 (Boletin, 1895, p. 10).

[2] Ibidem, Lib. 14, fol. 80; Lib. 940, fol. 69, 131, 185.

[3] This work was subsequently prohibited. Nevertheless Salvatierra, Bishop of Segorbe, in 1587 asked Philip II to permit its reprinting for the benefit of priests laboring among the Moriscos.—Boronat, I, 614.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 98.

In the Appendix will be found a table of all the cases of heresy tried by the Valencia tribunal from 1455 to 1592. In the fifteenth century the culprits must have been almost exclusively Judaizers. Then in time Moriscos were mingled with them, but the blanks in the fifth, sixth and seventh decades, during which the Moriscos, as we shall see, were exempted from the Inquisition, show that

easy for us now to recognize how powerful an impediment was this method of preserving the purity of the faith by obstructing the wished-for conversion, for the Mudéjares who refused baptism could congratulate themselves that they were not subject to a jurisdiction which visited with such severity the adherence to ancestral habits that had become a second nature.

The missionary work thus impeded received an unlooked for impulse from the insurrection known as the Germanía or Brotherhood, which suddenly broke out in 1520. This was a revolt of the people against the oppression of the nobles which, in its peaceful beginning, won the approval of Charles and of his representative, Cardinal Adrian. It speedily developed into civil war, in which the nobles had the aid of their Moorish vassals; these formed a large portion of the forces with which the Duke of Segorbe won the victories of Oropesa and Almenara, early in July, 1521, and they constituted a third of the infantry, under the Viceroy Mendoza, in the disastrous rout of Gandía, July 25. To cripple the nobles, the leaders of the Germanía conceived the idea of baptizing by force the Moors, thus giving them the status of Christians and releasing them from vassalage.[1] Urgelles, the chief captain, mortally wounded at the siege of Játiva, which surrendered July 14th, was already busily engaged in compelling the baptism of the Moors in the places under his control; and his successor, Vicente Peris, who won the decisive victory of Gandía, adopted the same policy. Full particulars as to proceedings in the different towns and villages were obtained by a commission, formed in 1524 to ascertain whether the baptisms were voluntary or coerced, and the evidence in its report shows that bands of *Agermanados* traversed the territory between Valencia and Oliva, terrorizing the Moors and offering them the alternative of baptism or death. A few homicides punctuated their commands, and the helpless infidels flocked to the baptismal font for safety. Of course there was no pretence of instruction or of ascertaining what the neophytes knew of the religion thus imposed upon them;

Judaizers had virtually disappeared, except those punished in 1544, 1545 and 1546, for retraction of confession (See Vol. II, p. 584).

There is also an imperfect table of the cases of relaxation. An examination of these tables will show the varying activity of the Inquisition of the period.

[1] Danvila y Collado, La Germanía de Valencia, pp. 146, 471.—Pet. Mart. Angler. Lib. xxxiii, Epp. 659–61.

they were baptized by sprinkling them in batches and squads and, when holy water was not at hand, that from running streams was employed. The only redeeming feature in the evidence is the frequent allusion to friendly relations between Christians and Moors and to the refuge and protection willingly given to the terrified victims, showing how the antagonism of race was gradually subsiding and how its extinction might have been hopefully anticipated if matters had been allowed to develop naturally.[1]

Attempts were also made to convert the mosques into churches. In a few places they were consecrated; in some others only a paper picture of Christ or the Virgin was hung up, or attached to the door. Occasionally divine service was performed, which the neophytes attended with more or less regularity, but their adhesion to their new faith lasted only while the impression of terror continued. In some places they felt safe to recur to their old religion in three weeks, in others they remained nominally Christian for a few months, but everywhere, as soon as they felt the danger to be passed, they resumed their Moslem rites and worshipped in their mosques as before. In this, for the most part, they were encouraged by their lords, who assured them that the coercive baptism was invalid, and that they were free to revert to their faith. Others more prudently seized the opportunity to escape to Africa, and it was estimated that no less than five thousand houses were left vacant, inferring an emigration of some twenty-five thousand souls.[2]

The suppression of the Germanía, in 1522, enabled the Inquisition to commence action against those who had been brought under its jurisdiction by baptism. Inquisitor Churrucca of Valencia entertained no scruple as to the validity of the sacrament, but there was difficulty in the fact that the hurried proceedings had precluded the making of records that would identify individuals. When the officiating priests had made lists he demanded their surrender and, towards the close of 1523, he was busy in obtaining evidence from eye-witnesses. Some fragmentary documents show that he was partially successful, and that he was prosecuting those whom he could prove to be apostates, but there was no disposition to treat them harshly. It would appear, indeed,

[1] MS. Informacio super Conversione Sarracenorum.—I possess the original document.

[2] MS. Informacio.—Danvila y Collado, Germanía, p. 184.

that Cardinal Adrian adopted a policy of toleration which, after his elevation to the papacy, enabled the advocates of the Moriscos to claim that they had the benefit of a dispensation.[1]

The situation, in fact, was perplexing. In Castile, enforced conversion had been universal, under threat of expulsion; all were constructively baptized and could legally be held to the consequences. In Valencia, however, the Germanía had occupied but a portion of the territory, and even there the work had been partial, and so irregularly executed that identification was impossible save in isolated cases. As soon as the pressure was removed all had reverted to their pristine belief, and the sovereign was under a solemn oath that no compulsion should be employed. The simplest solution that offered was to complete the work and to convert the whole Moorish population, after securing the assent of the nobles by conceding that their rights should not be affected, and that converts should not be permitted to change their domicile.[2] Missionaries were therefore sent to try the effect of persuasion, prominent among whom was Fray Antonio de Guevara. In a letter of May 22, 1524, he says that for three years he had labored at the task, doing nothing but dispute in the aljamas, preach in the Morerías and baptize in the houses.[3] Well-meant as was this effort, its success was not commensurate with its merits; the question refused to be solved, and the claims of the Inquisition to exercise jurisdiction over the so-called apostates inevitably provoked discussion as to the validity of enforced baptism, the degree of coercion by the Agermanados, and the sufficiency of the rite so irregularly performed.

We have seen above (Vol. I, p. 41) that, when the Goths coerced their Jewish subjects to baptism, the fourth Council of Toledo enunciated the principle that, while the act was wrong, the baptism was indelible and the baptized must be forced to remain in the Church, a principle which became embodied in the canon law. Still there was a question as to the degree of coercion and Boniface VIII, while assuming to exempt those whose coercion was absolute, took care to define that the fear of death was not such

[1] MS. Informacio.—Danvila, Germanía, pp. 473, 474.—Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 400.—Loazes, Tractatus super nova paganorum Regni Valentiæ Conversione, col. 12 (Valentiæ, 1525)

[2] Danvila y Collado, Germanía, p. 489.

[3] Guevara, Epistolas familiares, pp. 639–42.

coercion.[1] In the refinement of scholastic theology, two kinds of coercion were distinguished—conditional or interpretative and absolute; it was decided that coerced volition is still volition, and absolute coercion was reduced to the proposition that, if a man tied hand and foot were baptized while uttering protests, the rite would be invalid.[2] Such was the received practice of the Church, although a few schoolmen of high repute denied the validity of the sacrament under coercion, rather as an academical question, for the Church assumes consent and compels the so-called convert to the observance of the faith imposed on him.[3]

It was inevitable that the converts of the Germanía were to be held to their responsibilities as Christians. Charles V had already resolved on his policy and had applied to Clement VII to be released from his oath not to impose Christianity on the Moors, but the proceedings of Inquisitor Churrucca were exciting murmurs, and a decent show of preliminary investigation was advisable. Charles at first ordered this to be done by the Governor of Valencia in conjunction with the inquisitors and some theologians and jurists, but this was not a sufficiently authoritative body to justify the far-reaching measures in contemplation and Manrique suggested, January 23, 1524, the formation of a junta under his presidency, in view of the opposition of the nobles and gentry, who dreaded the loss accruing to them from the Christianization of their vassals.[4] That this was merely to save appearances is evident from the fact

[1] Cap. 13 in Sexto, Lib. v, Tit. ii.

[2] Hostiensis Aureæ Summæ Lib. III, de Baptismo § 11; Lib. v, de Judæis § 5.—S. Th. Aquinat. Summæ P. III, Q. lxviii, Art, 8 ad 4; Q. lxix, Art. 9 ad 1.—S. Bonaventura in IV Sentt. Dist. IV, P. 1, art. 2, Q. 1.—S. Antoninæ Summæ P. II, Tit. xii, Cap. 2, § 1.—Summa Sylvestrina s. v. *Baptismus* IV, § 10.

[3] Albertus Magnus in IV Sentt., Dist. VI, Art. 10.—Duns Scotus in IV Sentt. Dist. IV, Q. 4, 5.—Summa Angelica s. v. *Baptismus* VI, §§ 6, 12.

The facility with which, in this matter, the Church adapted its theories to accomplished facts is well exhibited by Cardinal Toletus (Summæ Casuum Conscientiæ Lib. II, cap. xxi). After explaining that, in adult baptism, three prerequisites are necessary—intention, faith and sorrow for sins committed—he proceeds "Hæc autem non eodem modo sunt necessaria. Intentio namque ita est necessaria ut si desit actualis vel virtualis, non sit baptismus. Unde fit ut qui renuens invitus baptizatur, non sit vere baptizatus; si tamen interius consensit, quamvis metu et vi, tunc baptizatus est et recepit characterem, sed non gratiam; cogendusque est ut maneat in fide Christiana." Thus the coerced convert was burdened with the responsibilities of baptism while denied its spiritual benefits.

[4] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 97.

that, when Charles, on February 11th, gave orders for the assembling of the junta, he wrote on the same day to Germaine, Vicequeen of Valencia, instructing the inquisitors and vicar-general to take due action with the apostate Moriscos.[1] Nine days later, Manrique issued a commission to Churrucca and his assessor Andrés Palacio to make a complete investigation into all the circumstances of the conversion and backsliding of the Moriscos—a selection which indicates the foregone conclusion, as they had already committed themselves on all the questions involved. Two other commissioners—Martin Sánchez and Juan de Bas—were added to them when, in November, they started on their work, and meanwhile the inquisitors had been taking testimony on their own account.[2]

The investigation lasted only from November 4th to the 24th, as the commission moved from place to place, in the little district between Alcira and Denia. A hundred and twenty-eight witnesses were interrogated on a series of questions drawn up by Manrique and their evidence established beyond doubt that submission to baptism was under the influence of mortal terror. The report of the commission consisted simply of the testimony, as taken down by the secretary, but it was supplemented by a learned argument in scholastic form by the fiscal of the tribunal, Fernando Loazes, the future Archbishop of Valencia. In this he made no pretence that the baptism was voluntary. The violence he admitted to be a crime, for which the actors should be punished, but the effect was good and should be maintained; it was the way in which God evokes good out of evil. The Moors had been saved from perdition and from slavery to the demon and, as this was a public benefit, the converts must be compelled to adhere to the Catholic faith, and those who upheld them in apostasy must be prosecuted as fautors and defenders of heresy. All doctors agree that, when there is danger of infecting the faith, the prince can compel uniformity or can expel the unbelievers.[3]

It was an imposing assemblage to which the report was submitted, consisting of a reunion of the Councils of Castile, of Aragon, of the Inquisition, of Military Orders and of Indies, together with eminent theologians, and it was under the presidency of Manrique.

[1] Danvila y Collado, Expulsion, p. 88.
[2] MS. Informacio.
[3] Loazes, Tractatus, col. 1, 17, 45, 60–1, 62.

There evidently was not unanimity, for the discussion occupied twenty-two days, and some of the theologians, with Jaime Benet, the most eminent canonist of Spain at their head, denied the validity of the baptisms. Still, the inevitable conclusion was that, as the neophytes had made no resistance or complaint, they must adhere to the faith, willingly or unwillingly. On March 23, 1525, the emperor attended a meeting, in which Manrique announced to him the decision, which he confirmed and ordered measures to be taken for its enforcement. In pursuance of this a royal cédula on April 4th, after reciting the care bestowed on the question, and the unanimous conclusion reached, declared the baptized Moors to be Christians, and ordered their children to be baptized, while churches in which mass had been celebrated were not to be used as mosques.[1]

It would be difficult to exaggerate the importance of this action on the fate of the Moriscos, for all that followed was its necessary consequence. Without loss of time an imposing inquisitorial commission was organized, with Gaspar de Avalos, Bishop of Guadix, at its head, and a retinue of counsellors and familiars. On May 10th they arrived at Valencia and, on Sunday the 14th, the bishop in a sermon ordered the publication of the royal cédula, with an edict granting thirty days within which apostates could return with security for life and property, after which they would forfeit both.[2] It could scarce have been intended to execute this atrocious threat, and no attempt seems to have been made to do so. The apostates were not easily distinguishable among their unbaptized brethren, among whom they constituted perhaps ten per cent., but the commissioners endeavored to identify them, travelling through the land, making out lists, and confirming all whom they could discover, as a preliminary to prosecuting the backsliders.[3] Their numbers suggested moderation, for which papal authority was requisite. It was obtained, for a brief of Clement VII, June 16, 1525, recites that Charles had applied to him for a remedy; the multitude of delinquents called for gentleness and clemency, wherefore they were to be prosecuted with a

[1] Sandoval, Lib. XIII, § xxviii.—Sayas, Añales de Aragon, cap. cxxvii.—Danvila y Collado, Expulsion, pp. 90–1.

[2] Sandoval, Sayas, *loc. cit.*—Bleda, Corónica, p. 647.

[3] Fonseca, Giusto Scacciamento, p. 11 (Roma, 1611).—Bleda, *loc. cit.*—Ejusd. Defensio Fidei, p. 123.

benignant asperity; those who should return to the light of truth, publicly abjure their errors and swear never to relapse, could be absolved without incurring the customary infamy and disabilities.[1]

Threats and promises availed little. The ten or fifteen thousand Moriscos, who had passed through the hands of the Agermanados, did not wait to experience the benignant asperity of the commission, but took refuge in the Sierra de Bernia, and the nobles, so far from attempting to dislodge them, favored them, in hopes that their resistance might lead Charles to abandon his purpose. He had been moved to indignation on hearing that the magistrates of Valencia had begged the commission not to ill-treat the Alfaquíes, as the prosperity of the land depended on the Moors, and he now rebuked the nobles, ordering them to go to their estates and teach their vassals to be good Christians. Preparations at length were made to attack the refugees of Bernia, who had held out from April until August; they surrendered under promise of immunity and were taken to Murla where they were absolved and kindly treated.[2]

The commission, wearied with its fruitless labors, was about to abandon the field, when it received a letter from Charles, stating that, as God had granted him the victory of Pavia, he could evince his gratitude in no way more effective than by compelling all the infidels in his dominions to submit to baptism; they were therefore ordered to remain and to undertake this new conversion, in conjunction with a fresh colleague, Fray Calcena, afterwards Bishop of Tortosa.[3] We have seen that, in preparation for this, he had, near the end of 1523 or in the early part of 1524, applied to Clement VII to absolve him from the oath taken in 1518 not to expel or make forced conversions, and Clement is said to have at first refused the request, declaring it to be scandalous.[4] The persistence of the ambassador, the Duke of Sesa, however prevailed over Clement's scruples and the brief was issued, May 12, 1524, though for a time it was kept secret.

It commenced by reciting the papal grief on learning that, in

[1] Archivo de Simancas, Inq., Lib. 926, fol. 47.—Bulario de la Orden de Santiago, Lib. II, fol. 58.

[2] Sandoval, *loc. cit.*—Sayas, *loc. cit.*—Danvila y Collado, pp. 92-3.—Boronat, I, 141.

[3] Sayas, *loc. cit.*

[4] Llorente, Añales, II, 287.

Valencia, Catalonia and Aragon, Charles had many Moorish subjects, with whom the faithful could not hold intercourse without danger, and who served as spies for their brethren in Africa. He was therefore exhorted to order the inquisitors to preach to them and, in case of obstinacy, he was to designate a term after which they should be expelled, under pain of perpetual slavery, to be rigorously enforced. The tithes, which they had never paid, should in future accrue to their lords, in recompense for the damage caused by the expulsion, under condition that the lords should supply the churches with what was requisite for divine service, while the revenues of the mosques should provide endowments for benefices. The fateful brief concluded by formally releasing Charles from his oath of 1518, absolving him from all penalties and censures for perjury, and granting him whatever dispensation was necessary for the due execution of the foregoing, and it further conferred on the inquisitors ample faculties to suppress opposition, notwithstanding all apostolical constitutions and all laws of the land.[1]

Charles was thus set free to work his will, in despite of oaths and of laws. Yet for eighteen months he held the brief without using it, waiting perhaps for the settlement of the question of baptism and for the agitation in Valencia to subside. At length, on September 13, 1525, he addressed letters to the nobles, informing them of his irrevocable resolve not to allow a Moor or an infidel to dwell in his dominions except as a slave; he recognized that expulsion would affect their interests, and consequently he urged them to go to their estates and co-operate with the commissioners in procuring the conversion and instruction of their vassals. Accompanying this was a brief letter to the Moors, informing them of the determination to which he had been inspired by Almighty God that His law should prevail throughout the land, and of his desire for their salvation, wherefore he exhorted and commanded them to submit to baptism; if they did so, they should have the liberties of Christians and good treatment; if they refused, he would find other means. The next day a proclamation was addressed to the Moors, emphatically repeating these threats and promises, and forbidding any interference with conversion or insults to converts, under penalty of five thousand

[1] Archivo de Simancas, Inq., Lib. 927, fol. 285.—Bledæ Defensio Fidei, pp. 463–66.

florins and the royal wrath. The same day a letter to Queen Germaine tacitly admitted the futility of depriving the Moriscos of their religion without providing a substitute. He had learned, he said, that in many villages of the converts there were no priests to give instruction or to celebrate mass, and he ordered her to see that they were instructed and ministered to, thriftily adding that, in lands of royal jurisdiction, care must be taken to reserve the patronage of the new churches to the crown.[1]

The commissioners, armed with full powers as inquisitors, lost no time in announcing to the Moors the irrevocable resolve of the emperor, with a term of grace of eight days, after which they would execute the decrees. The frightened aljamas deputed twelve alfaquíes to supplicate of Charles the revocation of the edict. Queen Germaine granted them a safe-conduct, and they were received at court, carrying with them fifty thousand ducats to propitiate persons of importance and, although at the moment they accomplished nothing, eventually, as we shall see, they secured a Concordia which, as usual, was granted only to be violated.[2]

Meanwhile, on November 3d, Charles enclosed the papal brief to the inquisitors, with instructions to enforce it without delay. At the same time he notified the authorities, secular and ecclesiastical, that it invalidated all the fueros, privileges and constitutions to which he had sworn; that he had instructed the Inquisition to enforce it, and that the local magistrates, under pain of ten thousand florins, must execute whatever the inquisitors might decree.[3] Having thus made the Moors understand the fate in store for them, on November 25th he issued a general decree of expulsion. All those of Valencia were to be out of Spain by December 31st, and those of Catalonia and Aragon by January 31, 1526. As in 1502, there was no exemption promised for conversion, but similarly the obstacles thrown in the way of expatriation showed the real intent of the edict. The Valencians were ordered to register and obtain passports at Sieteaguas, on the Cuenca frontier, and then plod their weary way to Coruña, where they were to embark, under pain of confiscation and slavery, while

[1] Danvila y Collado, pp. 94–8.—Fernández y González, p. 443.—Sayas, cap. cxxvii.

[2] Sayas, *loc. cit.*—Danvila, pp. 97–8.

[3] Archivo de Simancas, Inq., Lib. 927, fol. 285.—Boronat, I, 403.

the nobles were threatened with a fine of five thousand ducats for each one whom they might retain. At the same time was published a papal brief ordering, under pain of excommunication, all Christians to aid in enforcing the imperial decrees, and all Moors to listen without replying to the teachings of the Gospel. Still another edict, which ordered that all Moors must be baptized by December 8th, or be prepared to leave the country, showed by implication that conversion would relieve from exile. Then the Inquisition gave notice that it was prepared to act, and it published tremendous censures, with a penalty of a thousand florins, against all failing to aid it against those who obstinately resisted the sweetness of the gospel and the benignant plans of the emperor.[1]

When the alfaquíes reported the failure of their mission, the great bulk of the Valencian Moors submitted to baptism. Fray Antonio de Guevara, who was foremost in the work, boasts that he baptized twenty thousand families, but the Moriscos subsequently asserted that this wholesale conversion was accomplished by corraling them in pens and scattering water over them, when some would seek to hide themselves and others would shout "No water has touched me!" They endured it, they said, because their alfaquíes assured them that deceit was permissible, and that they need not believe the religion which they were compelled to profess.[2] Many hid themselves; some took refuge in Benaguacil

[1] Sayas, cap. cxxvii.—Llorente, Añales, II, 296.—Danvila, p. 99.

Boronat asserts (I, 157) that the greater part of the Valencian Moors embarked at Coruña, while large numbers, from the rest of Spain, went to France by way of Biscay, but he cites no authority and the documents and contemporary writers are silent as to any such exodus, while statistics and the course of events show that, except those who escaped to Barbary, practically the whole Moorish population was retained.

[2] Guevara, Epistolas familiares, p. 543.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.

Bleda (Defensio Fidei, p. 125) says that Guevara exaggerates and that in 1573 there were in Valencia only 19,801 Morisco families.

It is not easy to determine the Morisco population of Valencia. A detailed list of the whole kingdom, dated 1520 (but which Padre Boronat thinks was corrected up to 1550) gives a total of 52,689 hearths of Old Christians and 31,815 of New Christians. In 1582 Ximenez de Reinosso, Valencian Inquisitor, estimated the Morisco population at from 19,000 to 20,000 families. About 1601, Feliciano de Figueroa, Bishop of Segorbe, assumed that there were 460 Morisco settlements, comprising 28,000 hearths and 120,000 souls in all.—Boronat, I, 428–42, 596; II, 431.

which surrendered, March 27th, after a five weeks' siege, but the Sierra de Espadan was the scene of a more formidable revolt, which was not subdued until September 19th, with considerable slaughter. Others again betook themselves to the Sierra de Bernia, to Guadalete and Confridas, but these mostly succeeded in escaping to Africa. Thus was Valencia converted and pacified; the Moriscos, we as may now call them, were disarmed, the pulpits of their alfaquíes were torn down, their Korans were burnt, and orders were given to instruct them competently in the faith—orders, as we shall see, perpetually reissued and never executed.[1]

In Aragon, before the edicts, premonitions of the future had aroused much agitation. The Moors ceased to labor in the fields and shops, causing great anxiety as to impending famine. The Diputados were called upon to act and, while preparing to send envoys to Charles, they gave to the Count of Ribagorza, who chanced to be at the court, a memorial addressed to him. This appealed to the solemn oaths taken by him and Ferdinand; it represented that the whole industry and prosperity of the land rested upon the Moors, who raised the harvests and produced the manufactures, while the incomes of churches and convents, of benefices and the gentry, of widows and orphans, were derived from their censos or loans. They were practically the slaves of their feudal lords, to whom they were obedient, and they had never been known to pervert a Christian or cause scandal; they lived at a distance from the coast, so that they could hold no intercourse with Barbary, and the law punished by enslavement all attempts to leave the kingdom; their expulsion would cause ruin while, if converted, they would be enfranchised and enabled to go abroad. As they had ceased to sow their lands, immediate relief of their fears was necessary to avert a famine. Ribagorza's influence procured a brief delay, but Charles's practical reply was a proclamation, published in Saragossa December 22d, forbidding any Moor to leave the kingdom, prohibiting all purchases of property from them, closing their mosques and abolishing their public shambles.[2] This increased the alarm, and risings occurred in some places, followed by others after the publication of the edict of expulsion, but they were not serious. The date of expul-

[1] Sandoval, Lib. xiii, § xxix.—Dormer, Lib. ii, cap. viii, ix.—Bleda, Corónica, p. 649.

[2] Sayas, cap. cxxx.—Dormer, Lib. ii, cap. i.

sion was postponed until March 15, 1526, and, as it approached, there were other risings, but they were readily suppressed; the Moors were disarmed and, as a whole, they submitted to baptism.[1]

The whole Morisco population was now at the mercy of the Inquisition, but every consideration, both of policy and of charity, dictated a tolerant exercise of power, until they could be instructed and won over to their new faith. This the Suprema recognized by ordering that they should be treated with great moderation.[2] Possibly this may explain the absence of trials for heresy by the Valencia tribunal in 1525 and 1527, but, in the intermediate and subsequent years, there is no abatement in its activity, which was not only in disobedience of the commands of the Suprema, but a direct violation of the Concordia, agreed to January 6, 1526, although not published until 1528.

This Concordia was the result of the labors of the alfaquíes sent to the court in 1525. It was granted with the consent of Inquisitor-general Manrique; it was solemnly confirmed by Charles in the Córtes of Monzon, in 1528, when it was declared to comprehend all the kingdoms of the crown of Aragon, but when it was published by the Bayle-general of Valencia, under orders from Charles, Manrique rebuked him for so doing. Its main provisions are worth reciting if only to show the questions arising and as an instance of the faithlessness habitually shown to the Moriscos, for scarce one of the articles favorable to them was observed.

It set forth that the new converts could not at once abandon the Moorish ceremonies, which they observed rather through habit than with intention, and that prosecution by the Inquisition would be their total destruction, wherefore the Inquisition should not proceed against them for forty years, as had been granted to the Moors of Granada. As for their garments, they might wear out those existing, but new ones must be made in the Christian fashion. As most of the men and all the women could speak only Arabic, they could use it for ten years, during which time they must learn Castilian or Valencian. New cemeteries were to be consecrated for them, near the mosques now converted into churches. Dispensations were to be granted by the legate or the pope for all existing marriages and betrothals within the prohibited degrees, but future ones must conform to the canons. To the request that

[1] Sandoval, Lib. XIII, § xxviii.—Dormer, *loc. cit.*

[2] Archivo de Simancas, Inq., Lib. 939, fol. 108.

their arms should be restored to them, the answer was that they should be treated like other Christians. To the argument that they could not pay the old tributes and imposts, if they were forbidden to work on feast-days, nor was it reasonable that they should be prevented from changing domicile, the equivocal reply was that they should be treated like other Christians, but without prejudice to third parties. There was also permission to continue as corporations the old Morerías in royal territory. All this Charles guaranteed for himself and for Prince Philip, and ordered its strict observance by all officials, from the highest to the lowest, under pain of the royal wrath and a fine of three thousand ducats.[1]

The Inquisition, however, was a law unto itself and was bound by no compacts. In a few months after the promulgation of the Concordia, the Suprema published everywhere a declaration that it referred only to trivial customs and did not condone the use of Moorish rites and ceremonies, and that those who performed them or lapsed from the faith were to be duly prosecuted, to all of which it stated that the emperor acceded.[2] When, therefore, the Aragonese nobles, in 1529, presented remonstrances to Charles and to Manrique, the latter replied that it was their salvation and not their injury that was sought, and that he hoped that God might lay his hands upon them, so that all would eventuate well.[3] The hand of God, as laid upon them through the Inquisition, was not merciful for, in 1531, the Valencia tribunal had fifty-eight trials for heresy, with some thirty-seven burnings in person, most of whom presumably were Moriscos. Saragossa was somewhat milder for, in 1530, it reported that in the last auto it had reconciled a number of Moriscos, commuting confiscation and prison into fines and, in some cases, to scourging; that the fines had been assigned to a cleric who should instruct the penitents, but the receiver had refused to surrender the money, whereupon the Suprema suggested a separate collection of fines and their payment to instructors.[4] Thus the Inquisition went imperturbably on its way and, when the Córtes of the three kingdoms complained that it was notorious that there had been no attempt to instruct the Moriscos, or to provide churches for them, and that it was a great

[1] Boronat, I, 423–8.
[2] Ibidem, I, 162–5.
[3] Archivo de Simancas, Inq., Lib. 76, fol. 183.
[4] Ibidem, fol. 312.

abuse to prosecute them as heretics, Cardinal Manrique unctuously replied that they had been treated with all moderation and benignity and that, for the future, provision would be made, with the assent of the emperor, as best comported with the service of God and the salvation of their souls.[1]

Even more defiantly self-willed was the conduct of the Inquisition with regard to confiscations. We have seen that these were the property of the crown and that, when the Inquisition was allowed to retain the proceeds, it was a concession dependent upon the will of the sovereign. Yet it sturdily set aside the laws of the land and the commands of the emperor, and persisted in confiscating the property of its penitents. The earliest fuero of Valencia, granted by Jaime I after the conquest, provided that, in capital cases of heresy and treason, allodial lands and personal property should accrue to the king, while feudal lands and those held under rent-charge or other service, should revert to the lord. The new Inquisition disregarded this and, in 1488, the Córtes of Orihuela demanded its observance, to which Ferdinand assented. Still the Inquisition persisted and he agreed to the demands of the Córtes of 1510, that he should compound for all lands thus illegally obtained. This was equally fruitless and, in 1533, the Córtes of Monzon repeated the complaint; it was the lords and churches that suffered by the confiscations inflicted on their vassals, and some compromise should be reached as to past infractions of the fuero. To this the answer was equivocal; there was no confiscation and, please God, with the efforts on foot for the instruction of the converts, there would be no necessity for it in the future but, if there should be, provision would be made to protect the lords, and meanwhile a commission could decide as to what would be just for the past.[2]

Charles, in fact, the next year, at Saragossa, issued a pragmática ordering that, when the new converts incurred confiscation, the property should be made over to the legal Catholic heirs, without prejudice to the lords of the delinquents. The Inquisition, however, was equal to the occasion; it obeyed the law in the letter but not in the spirit, for, in 1547, the Córtes complained to the inquisitor-general that, in lieu of confiscation, the Saragossa tri-

[1] Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 38, 39.

[2] Col. de Documentos, XVIII, 106–13.—Archivo de Simancas, *loc. cit.*, fol. 37.

bunal imposed fines greater than the wealth of the penitents who, to meet them, were obliged to sell all their property and impoverish their kindred. To this the contemptuous answer was returned that if any one was aggrieved he could apply to the inquisitors or to the Suprema.[1]

In Valencia the contest was more prolonged. The Córtes of 1537 reiterated the old complaints and asked Charles to order the tribunals to obey the law, which he promised to do. The Suprema rejoined, in a consulta, that confiscation was the most efficient penalty for the suppression of heresy; the culprit could escape burning by reconciliation and, without confiscation, heresy would be unpunished. The Inquisition accordingly went on confiscating and, in 1542, under urgent complaints by the Córtes, Charles assented to a law that the *dominium utile* of the culprit should revert to the *dominium directum* of the lord and that the royal officials, under pain of a thousand florins, should put the lord in possession. The pope seems to have been appealed to, to make the Inquisition obey, for in a brief of August 2, 1546, which virtually suspended it, he decreed that for ten years, and during the pleasure of the Holy See, there should be neither fines nor confiscation in the case of Moriscos.[2]

Royal and papal utterances were alike in vain. In 1547, the Córtes renewed the complaint of the persistence of the Inquisition and introduced the new feature of asking that the inquisitor-general should join in signing the fuero, thus recognizing him as an independent power in the state. Prince Philip promised to obtain his signature, but it was not done. Again in 1552 and 1564 the same comedy was acted, but Philip's promise in the latter year was neutralized by specific instructions of the Suprema, to the Valencia tribunal, to confiscate Morisco property, without regarding what the people might say about having a privilege against confiscation.[3]

At length a compromise was reached. In 1537 the Córtes had suggested a payment to the Inquisition of four hundred ducats

[1] Archivo de Simancas, Inq., Lib. 939, fol. 9; Lib. 922, fol. 15.

[2] Ibidem, Inquisicion, Lib. 78, fol. 192; Patronato Real, Inq., Leg. único, fol. 37, 38.—Col. de Documentos, XVIII, 114, 116.—Bulario de la Orden de Santiago, Lib. III, fol. 33.

[3] Col. de Documentos, XVIII, 119-24.—Bledæ Defensio Fidei, pp. 333-6.—Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 187.

per annum in return for Morisco impunity from pecuniary penance, but the Suprema had refused the proposition as inadequate and as a disservice to God.[1] In 1571, negotiations were renewed, resulting in a royal cédula of October 12th, reciting that Inquisitor-general Espinosa had condescended to grant to the Moriscos of Valencia the articles presented by them. These provided that, in consideration of an annual payment of fifty thousand sueldos, or twenty-five hundred ducats, to the tribunal, the property of those contributing to it should be exempt from confiscation. Warning, moreover, was taken from the experience of Aragon, and fines were limited to ten ducats, but the aljamas of the culprits were responsible for their payment. It rested with the aljamas whether or not to come into the arrangement, but so many of them did so that thenceforth it was spoken of commonly as in force throughout Valencia.[2]

This suited the Inquisition as assuring it a settled income; it relieved the Moriscos from the ever-present dread of pauperism and the miseries of sequestration, and it gratified the nobles and churches by securing them from the alienation of their lands and the impoverishment of their vassals. To the rigid churchman, however, it was a compact with evil and an encouragement of heresy. Archbishop Ribera of Valencia protested against it, and Bishop Pérez of Segorbe, in 1595, advocated its revocation, but Philip II resolved that it should continue during the period agreed upon for the instruction of the Moriscos.[3]

The tribunal naturally took care to increase its assured income by exploiting to the fullest its remaining power of inflicting fines, and it did so with little regard to the limitation. In 1595, the aljamas complained of these infractions.[4] That such complaint continued to be justified would appear from the auto de fe of January 7, 1607, alluded to above (Vol. II, p. 395) where there were twenty fines of ten ducats each on Moriscos, of whom only eight were reconciled, besides other fines, one of twenty, one of thirty and one of fifty.

[1] Archivo de Simancas, Inq., Lib. 922, fol. 15.

[2] Danvila y Collado, pp. 183–88.—Cf. Archivo hist. nacional, Inq. de Valencia, Cartas del Consejo, Leg. 5, n. 1, fol. 107.

[3] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.—Danvila y Collado, p. 228.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 5, n. 2, fol. 14, 15.

The table in the Appendix shows that, while the activity of the Inquisition seemed to diminish somewhat after the Concordia, towards the close of the century it increased greatly, there being two hundred and ninety-one cases in 1591 and a hundred and seventeen in 1592. The record furnishing these figures ends with 1592 and we have no means of ascertaining the work in the years which immediately follow, but the rigor of persecution continued. In the auto of September 5, 1604, there were twenty-eight abjurations *de levi*, forty-nine *de vehementi*, eight reconciliations and two relaxations—all Moriscos, except a Frenchman penanced for blasphemy. In that of January 7, 1607, there appeared thirty-three Moriscos, of whom one was relaxed, besides six whose cases were suspended, and in the trials torture was employed fifteen times.[1] The fluctuations in the number of cases can be accounted for by evidence occasionally enabling the tribunal to make a raid on some Morisco village when, as they were all Moors at heart, the whole community would be gathered in. Thus, in 1589 and 1590 the little settlement of Mislata, near Valencia, furnished a hundred cases and we are told that in the town of Carlet there were two hundred and forty households that observed the fast of Ramadan.[2]

In fact, as the Moorish faith of the Moriscos was notorious, the whole population was at the mercy of the Inquisition, and the comparative moderation shown by the records may perhaps be explained by a system of secret bribery or compositions whereby immunity was purchased. The possibility of this is suggested by a case which throws considerable light upon the manner in which the inquisitorial power was exercised.

The family of Don Cosme, Don Juan and Don Hernando Abenamir of Benaguacil ranked among the first of the old Moors of Valencia; the brothers were rich and influential; they held licences to bear arms, and Inquisitor Miranda had appointed them familiars—a position which they resigned at the instance of the Duke of Segorbe, on whose lands they dwelt, for he said that they had no need of such protection, as they had only to appeal to him if aggrieved. In May, 1567, during the absence of Inquisitor Miranda, the fiscal presented to the other inquisitor, Gerónimo

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 10, fol. 79.—Danvila y Collado, p. 263.

[2] Ibidem, Leg. 98, 99.

Manrique, a *clamosa* against the brothers. Their arrest was voted but, in view of the importance of the case, the Suprema was consulted, which confirmed the vote and, on July 1st, the warrants were issued. The accused could not be found; edicts summoning them were published and, on January 12, 1568, Don Cosme presented himself. It is his trial that has been preserved, but presumably the others took the same course, except that Don Hernando's name disappears towards the end, probably in consequence of death.

At the first audience Don Cosme said that he presumed he had been baptized when a child, yet he did not consider himself a Christian but a Moor; he had through life performed Moorish rites and had gone to confession only to conform with the edicts, but in future he desired to be a Christian and to do whatever the inquisitors might require. He offered no defence in the various stages of his trial, but on July 15th, in consequence of the crowded condition of the secret prison, he was given the city as a prison on furnishing security in two thousand ducats.

Notwithstanding this he visited Madrid where, for seven thousand ducats, he purchased for himself and his brothers a pardon from the king, the inquisitor-general and the Suprema, and he also exercised important influence in securing the Concordia of 1571. His stay in the capital was prolonged when, after an interval of nearly three years, the tribunal suddenly revived his case, May 25, 1571 and, on June 6th, it summoned his bondsmen to produce him within nine days, a term extended to twelve days on their protesting that it was notorious that he was in Madrid, on business with the Suprema. This action brought from the Suprema a curt letter stating that Don Cosme complained that, after compounding his case, it had been revived, and ordering the tribunal to drop the matter and explain its motives. This it did and received from the Suprema a second order to do nothing, but to send the papers and await instructions. Subsequently Don Cosme returned to Valencia and exhibited certificates of the pardons for himself and his brothers to Juan de Rojas, then inquisitor, who told him to go *enhorabuena*, for they were pardoned and the Inquisition had nothing further to do with them.

Six years passed away when suddenly, without further evidence being sought for, on September 3, 1577, the Suprema returned to the tribunal the papers in the cases of Don Cosme and Don

Juan, and ordered it to summon them, examine them, vote on them and report to the Suprema for its decision. Don Cosme by that time seems to have been impoverished, and was supporting himself by farming the revenues at Genoves; after some delay he was brought to the prison, December 24th and his trial was resumed. At first he refused to be examined, alleging his pardon, but it was elaborately explained to him that it was not intended to interfere with it but to render it operative, for which it was necessary for him to abjure his errors and be reconciled, to which end he must make full confession as to himself and his accomplices; if he refused, it would show that he desired to remain in his old errors and under excommunication. After some fencing, he submitted and described how, about the age of twelve, his mother had taught him to perform the zala and fast the Ramadan and to believe in one God; that Santa María was a virgin and holy, but not the Mother of God; that the Lord Jesus Christ was a son of God and prophet of God, who had ever spoken truth, and it was a sin not to believe in what he had uttered, but that Mahomet was also a prophet of God, whose utterances were to be believed; he had also been taught to commit no murder, not to covet his neighbor's daughter and not to bear false witness—all of which would seem to indicate that there was developing among the Moriscos an intermediate faith which in time would have become Christian had opportunity been allowed. Don Cosme further declared that, since his first arrest, he had always been a Christian and desired to live and die in the faith of Christ; he repeated all the Christian prayers accurately, in both Latin and Romance, and wished that he had been born among Christians, as it would have been better for him, both in body and in soul. This went on, until February 21, 1578, when he was allowed the city as a prison, under bail, and on March 26th he was permitted to return home, keeping himself subject to summons.

Then fifteen months elapsed, until July 17, 1579, his case was voted upon *in discordia*, requiring its reference to the Suprema which, October 2d, ordered torture at discretion for Don Cosme and Don Juan. Preliminary audiences, however, were prescribed in order that they might discharge their consciences and satisfy the evidence, especially as to accomplices, giving them to understand that this was necessary to enable them to enjoy the pardon of 1571. Under this the trial was resumed, but the record

ends before the stage of torture was reached, and the archivist, Don Julio Melgares Marin, who copied it, assumes that the case remained suspended. Probably either the two brothers had succeeded in raising a sum sufficient to satisfy the Suprema, or they were recognized as too poor to be worth further prosecution.[1]

From such a case as this, it can readily be conceived how efficient an instrument was the Inquisition in exciting and perpetuating among the Moriscos an abhorrence of the religion imposed on them by force, and scarce known to them save as an excuse for cruelty and exaction. To some extent this was recognized by the governing powers. After the wise toleration had been discarded, which had rendered the Mudéjares contented subjects, the apostasy of the neophytes was the source of grave concern in the spiritual field, and their known hostility was the cause of even greater disquiet in the sphere of statesmanship. For more than three-quarters of a century it was the subject of a constant series of efforts and experiments, alternating between moderation and severity. With an efficient and honest administration, something might have been accomplished by a consistent policy, but vacillation, incompetence and greed resulted only in increasing exasperation. The story is long and intricate and the barest summary must suffice here to indicate its leading features and the causes of the failure to assimilate the races, on which depended the peace and prosperity of Spain. We have seen the mistaken policy adopted in Granada; in Valencia it was less unreasonable in spirit, but failed miserably in execution.

After the Germanía and the edict of 1525, some futile attempts were made at missionary work among the so-called converts, but the situation, in 1526, is correctly described by Navigero, the Venetian envoy, who says that there was so little care about teaching them, priestly gains being the main object, that they either were as much Moors as before or had no religion of any kind.[2] It was self-evident that to Christianize a large population, scattered over the land, for the most part in exclusive communities, would require a complete organization of parish churches with schools and all the necessary appliances. A basis for this existed in the property of the mosques, which Clement VII, in 1524, had ordered

[1] Boronat, I, 540–69.

[2] Gachard, Voyages des Souverains des Pays-Bas, I, 208.

to be converted into churches, and in the tithes, which were now imposed as a fresh burden upon the converts. These were spoils which all, who saw a chance for gain, hastened to grasp. To recompense the lords for the expected loss of tribute from their vassals, who were promised to be treated in all things like Christians, the tithes were made over to them, in return for which they were to provide the churches with what was requisite for divine service, while the revenues of the mosques were expected to furnish foundations for benefices, the patronage of which was given to the lords. For this, as we have seen, the requisite papal authority was procured, but the measure was attacked in innumerable suits, some of which were carried up to the Roman Rota, with the consequent interminable delays.[1] In some fashion, two hundred and thirteen mosques were converted into churches in the archbishopric of Valencia, fourteen in the see of Tortosa, ten in Segorbe and fourteen in Orihuela, but the object kept in view was the revenues, and not the religious training of the Moriscos.[2]

Nearly ten years passed away with nothing accomplished. A thorough reorganization was seen to be necessary, and papal faculties were obtained empowering Cardinal Manrique to provide persons to instruct the converts, to erect and unite churches, to appoint and dismiss priests, to regulate tithes and to decide summarily all the suits that were expected from archbishops, bishops, chapters, abbeys, priests and secular lords, thus rendering him and his delegates independent of the bishops who thus far had done nothing.[3] Under this, in 1534, Manrique despatched commissioners with detailed instructions, including provisions to be made for a college to be founded for the instruction of Morisco children, who should in turn instruct their parents.[4] The scheme, however, though well intended, was wrecked on the money-question which, to the end, proved an obstacle frustrating all intelligent work in conversion. The revenues of the mosques, the tithes and first-fruits seem to disappear—swallowed up by noble and prelate and, although they derived their incomes in great part from the labor of the Moriscos, it seemed impossible to wring from them what was necessary to support the new establishment. In 1544, St. Thomas of Vilanova, then Archbishop of Valencia, urged the

[1] Sayas, cap. cx.—Dormer, Lib. II, cap. i.
[2] Danvila y Collado, p. 116.—Bledæ Defensio Fidei, p. 190.
[3] Bulario de la Orden de Santiago, Lib. II, fol. 94, 96, 105.
[4] Archivo de Simancas, Inq., Lib. 77, fol. 227.

emperor to place zealous and exemplary rectors in the Morisco villages, with ample salaries to enable them to distribute alms, but it does not seem to have occurred to him that this was part of his duty and that of the Church.[1]

Manrique's commissioners established a hundred and ninety rectories, endowed with the beggarly stipend of thirty crowns a year. It was impossible to find suitable priests for such livings, and the complaint was general that they were, for the most part, ignorant and depraved, creating repulsion rather than attraction to the religion which they assumed to teach. Many were non-resident and neglected their duties entirely, or found vicars at still lower salaries to replace them. There was no one to inspect them or keep them in order. A pension of two thousand ducats a year had been levied on the archbishopric of Valencia, to maintain the projected college for Morisco youths, but two-thirds of this was diverted to the support of the rectories and the rest was made up from various sources, not always adequate, for some holders of benefices refused to pay the moderate assessments made on them.[2]

It was in vain that one effort after another was made to remedy these deficiencies. The indifference of the ecclesiastical authorities, or their opposition when asked for funds, paralyzed every plan devised. In 1564, the Córtes of Monzon pointed out the failure of all attempts to instruct the converts, who were punished for their ignorance, and they made some remedial suggestions. Philip in response assembled a junta under the presidency of Valdés, the conclusions of which were embodied in a royal cédula. This confided the instruction of the Moriscos to the bishops in their several dioceses, who were to appoint proper persons and keep them under supervision, treating the neophytes with the utmost kindness, rewarding the good according to their deserts, and appointing the more prominent among them to familiarships. Archbishop Ayala, on his return from this junta, called a provincial council, but the bishops took no action to carry out the provisions of the cédula, contenting themselves with inflicting heavy fines on those who did not have their children baptized at birth in the best clothes that they could afford; on alfaquíes who visited the sick, and on secular officials who neglected to denounce Moorish observances. The pious hope was expressed that, by compelling

[1] Col. de Documentos, T. V, p. 81.
[2] Ibidem, T. V, pp. 92, 93, 102–7.

them to attend mass on Ash Wednesday, Maundy Thursday, Good Friday and All Saints, they might be attracted to Christian worship, and their salvation was cared for by ordering them on the death-bed to give something for the benefit of their souls, in default of which the heirs must at least have three masses sung for them.[1]

This was the spirit in which the prelates conceived their duties towards those whom clerical pressure had made their spiritual children, and to whom they owed great part of their revenues. Juan de Ribera who, in 1568, succeeded to the archbishopric of Valencia was a man of different stamp. He preferred the radical cure of expulsion but, so long as the Moriscos remained, he recognized the duty of laboring for their conversion. In 1575 he held a conference with the Bishops of Tortosa and Orihuela (Segorbe being vacant), when it was agreed that the rectorial stipends were inadequate, as there were no offerings at the altar, which led many to abandon their cures, while those who would accept the position were mostly unfitted, through ignorance and character. It was therefore resolved to increase the stipends to a hundred crowns. The king made a contribution, and a sum of seven thousand ducats per annum (or 7350 libras) was assessed on the bishops and those who enjoyed the tithes of the Moriscos. Ribera's share of this was thirty-six hundred ducats, levied on the income of his "table," which was forty thousand ducats, so that the assessment was 9 per cent. The rest fell upon ecclesiastics, except a negligible amount to be paid by five laymen. A brief of June 16, 1576, was obtained from Gregory XIII confirming this arrangement, and Ribera punctually paid his portion into the *taula* or bank of Valencia, but the other churchmen were recalcítrant. The share of his cathedral chapter was eight hundred libras a year, which it not only refused to pay but organized a league to contest the whole measure; the procrastinating resources of litigation were limitless and, in 1597, Philip sent to Valencia the Licentiate Covarrubias to settle the matter if possible. For three years he labored, and finally induced the chapter to obey the papal brief, but on some pretext it refused to abide by the agreement and the litigation continued. The chapter of Segorbe, although its portion was only seventy libras a year, threatened to raise a tumult if it was forced to pay, and sent its treasurer to Rome to work for

[1] Danvila y Collado, pp. 167–71.—Boronat, I, 238.—Bledæ Defensio Fidei, p. 192.—Aguirre, Concil. Hispan. V, 415, 419, 432.

the revocation of the brief; in 1604 it procured an inhibition on the execution of the brief, but finally, in 1606, the matter was decided against the chapters. By this time their arrearages amounted to a hundred and fifty thousand crowns, which Philip III forgave them and, for the few remaining years they paid their assessments. Meanwhile, Ribera's contribution had gone on accumulating with interest until it amounted to 157,482 libras 13 s., 11 d. Of this about thirty-two thousand libras had been expended on the rectories; in 1602, sixty thousand were devoted to the college for Morisco youths and, in 1606, thirty-one thousand were given to endow a girl's college; part went for expenses and, in 1607, a balance of over thirteen thousand was given to the Collegiate Seminary of Corpus Christi which he had founded.[1] Thus this well-intended plan came to naught, like all other attempts, through the covetousness and indifference of those whose duty and interests alike demanded their earnest co-operation.

What might have been accomplished by zealous Christian prelates can be gathered from the experience of Feliciano de Figueroa, Bishop of Segorbe. He had long been Ribera's secretary and was thoroughly familiar with the question. Promoted to the see of Segorbe, in 1599, he writes, in 1601, that there were twenty Morisco villages in his diocese; at his own cost he put resident rectors in them, with *doctrineros*, or religious teachers, and twelve preachers, supervising the whole work himself. Already he reports a notable reformation in the adults, while the children manifested affection and readiness to embrace the faith; moreover, during the past forty years, many Moorish ceremonies had fallen into disuse. Again, in 1604, he describes his continued labors without discouragement, although he complains of the obstacles thrown in his way by the secular authorities, who aided the alfaquíes in opposing his efforts.[2]

This alludes to a serious difficulty which aided in bringing about the catastrophe. The lords of Morisco vassals were actuated by the most purely selfish motives. Exploiting their dependents to the utmost, they feared that, if the latter became Christians in fact as well as in name, they would be unable to extort the imposts and tribute which they exacted almost at discretion, for the Moriscos were helpless and defenceless, and the pledges that they should

[1] Boronat, II, 45–6, 69–71, 169, 435, 438, 478, 683.

[2] Ibidem, II, 436, 440–3.

be treated as Christians were forgotten. The lords therefore discouraged all missionary work and, as far as they could, protected their vassals against the Inquisition. When the latter obtained evidence of this interference with conversion, it did not hesitate to prosecute the highest nobles. In 1570 it condemned Don Sancho de Cardona, Admiral of Aragon, to abjure *de levi*, to a fine of two thousand ducats and to reclusion in a convent at the pleasure of the Suprema—reclusion which proved perpetual, for he died in the convent of his confinement. He deserved much more if the testimony was true which asserted that he advised his vassals to appeal to the king, to the pope, and finally to the Grand Turk to induce him to threaten to persecute the Christians in his dominions if the Moriscos were not left in peace, and further that he advised them to rise and promised to arm them if they would do so. This was not the only case for, in 1571 the Master of Montesa and two other nobles appeared in an auto for the same offence and, in 1578, two others were the subjects of investigation.[1] The lords further made themselves obnoxious by seeking to protect their vassals from the ceaseless exactions of the alguaziles set over them to see that they attended mass regularly, and to fine those who did not, or who worked on feast-days. These gentry were paid by a half or a third of their collections; their position was not enviable, threatened as they were both by the lords and the Moriscos in the remoter districts, and it was impossible to fill the position with men of fitting character.[2]

These spasmodic and fruitless efforts to convert the so-called converts were accompanied with frequent relaxations of the rigid canons against heresy, interesting because they infer a dim conception that toleration, after all, might be a more practical method of winning human souls than oppression and persecution. Unfortunately, this fluctuating policy was the most irrational that could be devised. The Moriscos had been so sedulously taught to abhor Christianity and to distrust their conquerors that leniency could be regarded only as dictated by fear, and as affording licence to follow more undisguisedly the practices of their ancient faith, while the alternations of severity only increased their hatred of the religion of their oppressors.

[1] Danvila y Collado, pp. 126, 129, 181, 183, 194.—Boronat, I, 443–69, 569.
[2] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.

Edicts of Grace were the favorite resort when there was a disposition to show moderation, but these, as we have seen, were, for the most part, nugatory, because they were contingent on recorded confessions and the obligation to denounce accomplices. The recorded confession rendered the penitent liable to the terrible penalties of relapse and, as the latter was sure to occur, the Morisco naturally hesitated to incur the liability. To obviate this objection, the unprecedented concession was made of suspending the canons concerning relapse. This could be done only by papal authority and it was repeatedly tried. The earliest instance seems to be a brief of Clement VII, December 5, 1530, empowering Manrique to appoint confessors with faculties to absolve penitents, even if they had relapsed repeatedly, with secret absolution and penance, and to release them and their descendants from all penalties, disabilities and confiscation, the reason alleged for this liberal condonation of apostasy being the lack of priests in the Morisco districts to instruct the converts in the faith. It was not, however, until 1535 that Manrique transmitted this to the Valencia tribunal with orders to execute it, and even then it does not seem to have exercised much influence on the number of trials, though if honestly put into operation it would have superseded them.[1] This policy continued to be followed spasmodically and grants exonerating from the penalties of relapse were repeatedly made during the rest of the century.[2]

There was also, in the Edicts of Grace, the necessity of denouncing accomplices, which the Moriscos, to their credit, could rarely persuade themselves to do. Bishop Figueroa of Segorbe pointed this out to Philip III as a matter of supreme importance, as it required them to accuse their parents, their wives and their children, which even the secular laws pretermitted as a matter so horrible to human nature.[3] Still it was required by the canon law, and could not be omitted without special papal authority. Philip II was so convinced of its impolicy that, when a crucial effort was to be made to test whether the Moriscos could be converted, as an alternative to expulsion, by an Edict of Grace on the most

[1] Archivo de Simancas, Inq., Lib. 926, fol. 57, 80.—Bulario de la Orden de Santiago, Lib. II, fol. 79.

[2] Archivo de Simancas, Inq., Lib. 926, fol. 49, 53, 59, 63, 67.—Bulario, Lib. III, fol. 51, 85, 88, 109; Lib. IV, fol. 24, 103.—Archivo de Alcalá, Hacienda, Leg. 1049.—Boronat, I, 495.

[3] Boronat, II, 439.

favorable terms, he endeavored to have this condition removed, but Clement VIII, as we have seen (Vol. II, p. 462) while granting, in 1597, an edict covering relapse and conceding that confession could be made to the episcopal Ordinaries, insisted that confession must include full denunciation of the apostasy of others.[1]

Various causes delayed the publication of the edict until 1599, after Philip III had succeeded to the throne. Great preparations were made for it as for a final experiment; rectors, preachers and commissioners were sent through the land, under detailed instructions from Ribera, who told them that the work was difficult but not impossible; Ribera's fund was drawn upon for the colleges; the barons were to found schools for the instruction of young children, and a *hermandad* was organized to place girls in convents or in the families of Old Christians.[2] The edict was duly published in Valencia, August 22, 1599; its term was for only one year, but it was extended to eighteen months. Philip III eagerly awaited the result, which was conveyed to him in a report of August 22, 1601, by the tribunal. During the eighteen months of the edict, the inquisitors said, only thirteen persons had come forward to take advantage of it and these had made such fictitious confessions, and had so protected their accomplices, that they deserved condemnation rather than absolution; some of them, indeed, had already been denounced to the Inquisition, so that they had evidently been impelled by fear rather than by the desire of conversion. The inquisitors went on to describe the Moriscos as Moors who would always be Moors and, if the Inquisition did not convert them, it at least compelled them to sin with less publicity and thus diminished their evil example.[3] This failure may be regarded as virtually deciding the fate of the Moriscos. Archbishop Ribera emphasized it in two strong memorials addressed to Philip III, and expulsion came to be recognized as the only solution of the situation, although the vacillation and irresolution of the court postponed for some years the execution of the measure.

A glance at the tables in the Appendix will show how little influence the successive Edicts of Grace had on the operations of the Inquisition, which reaped its harvests irrespective of them. Yet

[1] Bulario de la Orden de Santiago, Lib. IV, fol. 128.—Archivo de Simancas, Inq., Lib. 926, fol. 71.

[2] Boronat, I, 669; II, 8.—Escolano, Decada primera de la Historia de Valencia, II, 1783–97 (Valencia, 1610–11).

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 5, fol. 185, 186, 220, 295, 297–99.

those tables reveal that, between 1540 and 1563, there were periods during which the tribunal was idle, at least as to cases of heresy. These intervals represent some remarkable efforts to try the effect of moderation, which, although neutralized by lack of coöperative work in winning over the converts, merit examination as measures without example in the career of the Spanish Holy Office.

The nobles of Valencia complained forcibly of the disquiet caused among their vassals by the operations of the Inquisition, and the Córtes petitioned that thirty or forty years might be allowed for their instruction during which they should be exempt from prosecution. Charles assembled a junta of prelates and theologians, which suggested various plans of moderation and conciliation, from among which he selected that of granting a term of grace for past offences, allowing them to confess sacramentally to confessors, and that a period should be provided for their instruction, during which the Inquisition should not prosecute them. This period was liberally fixed at twenty-six years, with the warning that, as they should use or abuse it, it would be extended or shortened. We have seen the failure to provide them with churches and instructors, and it is scarce surprising that they commenced to live openly as Moors, saying that, as they had thirty years in which to do as they pleased, they would take full advantage of it.[1] This could not be permitted, and the effort to convert by toleration came to a speedy end. The tribunal which had no cases in 1541, 1542 and 1543 resumed operations and had 79, 37 and 49 in 1544, 1545 and 1546—a portion of which, however were undoubtedly the Judaizers prosecuted for revoking confessions (Vol. II, p. 584).

Then, in 1547, came a reversion to a milder policy. A brief dated August 2, 1546, was obtained from Paul III, of so liberal a character that it virtually superseded the Inquisition, by granting faculties to appoint confessors with full power to absolve *in utroque foro*—both sacramentally and judicially—even those who had been condemned by the Inquisition, and to relieve them and their descendants from all disabilities.[2] Unfortunately the faculty to appoint confessors was conferred on Antonio Ramírez de Haro, who had for some years been acting as "apostolic com-

[1] Danvila y Collado, p. 130.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 33.

missioner" in Valencia, with extensive powers over everything relating to the Moriscos, but he had, in 1545, left Valencia, on a summons, as Bishop of Segovia, to attend the Council of Trent—from which summons he succeeded in getting himself excused—and had not subdelegated his authority. According to the Archbishop St. Thomas of Vilanova, this made little difference, because the brief was ineffective, inasmuch as it required abjuration *de vehementi*, entailing relaxation for relapse, to which none of the converts would expose themselves. He, therefore, suggested that more extensive faculties should be obtained, to absolve and pardon without legal forms, seeing that these people had been forcibly converted, that they had never been instructed, and that their intercourse with Barbary indisposed them to Christianity.[1]

What followed is strikingly illustrative of the procrastination and neglect that rendered Spanish administration so ineffective. The commission of the Bishop of Segovia superseded both the inquisitorial and the episcopal jurisdiction, and his absence left everything in confusion. Archbishop Thomas wrote, April 12, 1547, to Prince Philip that, since the bishop had gone, the Moriscos had daily become bolder in performing their Moorish ceremonies, as there was no one to restrain them; the bishop had left no one to represent him, and no time should be lost in getting him to subdelegate some one who could come at once. Promises were made that a person should shortly be sent, but the habitual *mañana* postponed it indefinitely. On November 10th, the archbishop again represented the complete liberty enjoyed by the Conversos, with no one empowered to correct them, but his representations were neglected and, in 1551 and 1552, he was still calling for some one authorized to keep the Moriscos in order. Even when, in 1551, the Bishop of Segovia, who still retained his commission, appointed the Inquisitor Gregorio de Miranda as a delegated commissioner, he granted him no inquisitorial power, and the Valencia Moriscos remained, for ten years longer, free from persecution.[2]

This anomalous condition explains why the tables show only a few cases in 1547, 1548 and 1549, and then an entire cessation up to and including 1562, the former being probably the unfinished work of previous years. In 1561, Paul IV empowered

[1] Col. de Documentos, T. V, p. 104.
[2] Ibidem, pp. 100, 101, 107, 108, 122.

Valdés to grant faculties to the Archbishop of Valencia and his Ordinary to reconcile secretly the New Christians: in those cases which could be judicially proved, the confessions were to be made before a notary and delivered to the tribunal, where they remained of record against both the penitent and his accomplices, while in cases that could not be proved, the penances were to be purely spiritual.[1] This fresh experiment indicates a revival of interest in the Morisco question, to be necessarily followed by a return to the old methods. In 1562, accordingly, the tribunal began to act in Teruel, where the town of Xea had the reputation of an asylum for malefactors; it was exclusively Morisco, no Old Christian being permitted to reside there. Finally, all restrictions were removed and, in 1563, the Inquisition was vigorously at work, with sixty-two cases, and held two autos, in which appeared nine cases from Xea.[2] After that there was no further interference with its functions, and it continued to the end to contribute its share to rendering Christianity odious. What Archbishop Ayala thought of its influence in this direction is indicated by his offer, in 1564, to undertake the instruction of the Moriscos at his own expense, but only on condition that the Inquisition should have nothing to do with them, except in cases of open and defiant sin.[3]

Even without the aggravation of the Inquisition, the condition of the Moriscos was deplorable. They had been promised, in return for baptism, that they should have all the privileges of Christians, but this, like all other pledges, was made only to be broken. Enforced conversion had added to their burdens and had brought no compensatory relief—they were Christians as regards duties and responsibilities, but they remained Moors in respect to liabilities and inequality before the law. In 1525 the syndics of the aljamas pointed out that, in order to enjoy their religion, they had been subjected by their lords to many imposts and servitudes which they could not render as Christians, for they would not be allowed to work on Sundays and feast-days, wherefore they asked to be taxed only as Christians. To this it was replied,

[1] Archivo de Simancas, Sala 40, Lib. IV, fol. 262.

[2] Danvila y Collado, pp. 164, 167.—Archivo hist. nacional, Inq. de Valencia, Leg. 98.

[3] Discorso de la Vida de D. Martin de Ayala (Revista crítica de Historia y Literatura, 1902, p. 375).

in the Concordia of 1528, that they should be treated as Christians and that, to avoid injury to parties, investigation should be made to prevent injustice. Their lords, however, did not admit this and, in the same year, the Córtes of Valencia declared that they retained all their rights over their vassals, who were forbidden to change their domiciles.[1] The lords accepted the tithes and the first-fruits as a compensation, but merely added these fresh burdens on their vassals, who were powerless to resist.

Charles recognized this injustice and his responsibility for it, but he dared not raise a conflict with the nobles, and he sought to shield himself behind the awful authority of the Inquisition. He therefore procured from Clement VII, July 15, 1531, a remarkable brief reciting that, when the Saracens were converted, the barons and knights, in compensation for the loss inflicted on them, were empowered to exact from their vassals the tithes and first-fruits, but they have not only enjoyed these new imposts but have continued to extort the personal services and *açofras*[2] and other demands of the ante-conversion period. Thus the converts, unable to endure these accumulated burdens, allege them as justifying their retaining their old customs and disregarding the Christian feasts and ceremonies. As Charles had asked him for a remedy, and as he knew nothing of the matter, he committed it to Manrique with power to hear complaints and render justice, enforcing his decisions with censures.[3] The rôle of protector of the Moriscos was novel for the Inquisition and Manrique kept the brief until January, 1534, when, in sending Fray Antonio de Calcena and Antonio Ramírez de Haro as commissioners to organize the Morisco churches, he informed them that the king ordered the Concordia to be enforced; the New Christians were in all things to be treated like the Old; they were to investigate secretly and report whether this was the case.[4] Apparently the Inquisition shrank from the unaccustomed task; there is no trace of its intervention in behalf of the oppressed Moriscos, and its only prosecutions of the nobles were for favoring their vassals against its persecution. As for

[1] Dormer, Lib. II, cap. i.—Danvila y Collado, pp. 101, 105.

[2] The *zofres* or *zofras* were imposts or excise paid by the Mudéjares in addition to the division of crops. It remained a grievance to the last.—Ximenez, Vida de Ribera, pp. 362, 444.

[3] Bulario de la Orden de Santiago, Lib. I de copias, fol. 118.

[4] Archivo de Simancas, Inq., Lib. 77, fol. 227.

the Córtes, their sole efforts were directed to increase the burdens of the vassals and, in case of their condemnation, to profit by the confiscations.

Thus they were mercilessly pillaged. Besides the division of the crops, of which one-third or one-half went to the lord, and besides the tithes and first-fruits, there were innumerable imposts of all kinds and forced loans or benevolences. In 1561, one of the numerous consultas on the Morisco question alludes to the hardship of forcing them to live like Christians and pay like Moors. The king, it added, ought to relieve them from these unjust impositions, but it would throw the whole kingdom into confusion and impede the work of conversion, so the commissioners ought to see how it could be brought about that they should pay no more than the Christians. This continued to the end. In 1608, Padre Antonio Sobrino, S. J., argued that one of the chief obstacles to conversion was the tyranny of the lords and, in addition to the exactions in money and kind, he alludes to the forced labors imposed on them, on meagre wages and still more meagre food, or frequently with no wages.[1] In fact, they were virtually *taillables et corvéables à miséricorde*, and their oppression was tempered only by the ever-present apprehension of rebellion and, in the coast districts, by the facilities of escape to Africa. Even their ecclesiastical persecutors were almost moved to pity by the hopeless misery of their lot, but we are told that there was no compassion felt for this, as it was generally deemed advisable to keep them impoverished and in subjection.[2]

The control of the lords over their vassals was further safeguarded by a pragmática of Charles V, in 1541, forbidding the Moriscos of Valencia, under pain of death and confiscation, from changing either domicile or lord, and any one accepting them as vassals, without special royal licence, was fined five hundred florins, or was scourged in default of the money. Granadan and Castilian Moriscos were threatened with death for entering Valencia and this, in 1545, was extended to those of Aragon. This ferocious legislation was repeated in 1563 and 1586.[3]

[1] Boronat, I, 531; II, 147.

[2] Bleda, Corónica, p. 1030; Defensio Fidei, pp. 47, 51.—Fonseca, Giusto Scacciamento, p. 65.

[3] Danvila y Collado, pp, 128, 133, 211.—Boletin, Abril 1887, p. 288.—Boronat, I, 469.

Akin to this was the suicidal policy of forbidding the emigration of those who were recognized as dangerous domestic enemies. This, as we have seen, was begun by Ferdinand and Isabella and was rigidly persisted in—partly, no doubt, from a pious scruple of allowing the baptized to apostatize in Barbary, and partly to protect the lords from the loss of their vassals. In time this was enforced in Aragon by the Inquisition, which published edicts to that effect, including the guidance over the mountains of emigrants by Christians. In the auto of June 6, 1585, the tribunal punished two who were seeking to leave the country and two who served as guides, with scourging and the galleys for three men and scourging and imprisonment for a woman.[1] Not only was this a grievous hardship, by depriving the oppressed of all hope of relief, but it was a fatal error for, if the discontented had been allowed to expatriate themselves, the remainder could have commanded better treatment, and the Morisco question which, for half a century, distracted Spanish statesmanship, might have settled itself without the desperate expedient of expulsion.

Disarmament was another precaution entailing a grievance which was keenly felt. We have seen it in Granada, and that in Valencia it was a prudent preliminary to enforced baptism in 1525. In the Concordia of 1528, the Moriscos asked that their arms be restored to them, and were told that they would be treated as Old Christians. This promise, like the rest, was broken. The pragmática of 1541, among its other restrictions, included that of bearing arms. This was not enforced and, in 1545, orders were sent to carry it into effect, but the methods suggested show that it was regarded as a dangerous business, and the purpose was abandoned. In 1552, St. Thomas of Vilanova urged that it should be done, and so did Inquisitor Miranda in 1561. Finally, in 1563, the work was done by a sudden simultaneous action of the lords, when the inventories compiled show that, in 16,377 Morisco houses, there were seized 14,930 swords, 3,454 cross-bows and a long list of other weapons, indicating how industriously the Moriscos had provided themselves.[2]

[1] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 263.—Bibl. nacional, MSS., PV, 3, n. 20.

[2] Danvila y Collado, p. 127.—Col. de Documentos, V, 88, 102, 123.—Janer, Condicion social de los Moriscos, p. 342.—Boronat, I, 233.—Danvila, in Boletin, Abril, 1877, pp. 276–306.

In Aragon, the matter was confided to the Inquisition. The tribunal of Saragossa issued a decree, November 4, 1559, forbidding the Moriscos from carrying arms, but the nobles appealed to the Suprema and procured its indefinite suspension.[1] The question was revived, in 1590, but a quarrel with the archbishop on a point of precedence delayed its consideration, and then the troubles of Antonio Pérez distracted attention. Finally, in 1593, Philip II ordered the disarmament, the execution of which was entrusted to the tribunal. Two inquisitors traversed the land and collected 7,076 swords, 3,783 arquebuses, 489 cross-bows, 1,356 pikes, lances and halberds and large numbers of other weapons. Knives were permitted, but these increased in size until they became formidable; after two or three officials of the Inquisition had been killed with them when making arrests, a royal edict of 1603 limited them to a third of an ell in length and required them to be pointless.[2] The result of these precautions was seen when the edict of expulsion was enforced and the desperate wretches who essayed a hopeless resistance were slaughtered.

The growth of the absurd cult of limpieza brought another hardship of no little moment. At first there was a disposition to exempt Moriscos from its exclusiveness. When, in 1565, Philip II was trying conciliation he ordered that leading and influential Moriscos should be appointed as familiars, and we have seen that Inquisitor Miranda gave commissions to the brothers Abenamir. Paul IV forbade admission to holy orders to the descendants of Jews to the fourth generation and, in 1573, Gregory XIII extended this to the Moriscos, but the Córtes of Monzon, in 1564, had decreed that those trained in the Morisco college of Valencia should be allowed to hold benefices and the cure of souls among their people, and we are told that it graduated some good priests and preachers and doctors of theology.[3] Yet in time the exclusion became general, and throughout Spain no distinction was made between descendants of Jews and Mudéjares. In a land where a career in office, secular or ecclesiastical, was the ambition of every man who had a smattering of education, this barrier condemned to obscurity

[1] Guadalajara y Xavierr, Expulsion de los Moriscos, fol. 62.—Archivo de Simancas, Inq., Lib. 13, fol. 372.—Relazioni Venete, Serie I, T. VI, p. 407.

[2] Archivo de Simancas, Inq., Lib. 940, fol. 296.—Guadalajara y Xavierr, fol. 64.—Lanuza, Historias de Aragon, II, 417 (Zaragoza, 1622).

[3] Bledæ Defensio Fidei, p. 372.—Fonseca, p. 377.

able men who naturally devoted their energies to stimulating disaffection and provoking revolt. Navarrete, as we have seen, even thinks that the necessity of the expulsion would have been averted but for this; that the Moriscos could have been Christianized, if they had had the opportunity to identify themselves with the nation and to share in its public life, in place of being driven to desperation and to hatred of religion by the indelible stigma imposed upon them.[1]

The baptism of Morisco children furnished a perpetual source of irritation. Rigid regulations were prescribed to ensure the administration of the sacrament, as it was essential to their salvation and to rendering them subject to inquisitorial jurisdiction. No Morisco woman was allowed to act as midwife, but in every village there was a Christian midwife, carefully selected and instructed. She kept watch on all pregnant women, under a fine of a hundred reales for every case she missed. After putting the infant to the breast, her first duty was to notify the priest and alguazil, after which she was not to leave the bed-side save for indispensable household duties. The baptism was performed the same day or the next, and careful registers were kept, so that identification could be secured. There is doubtless truth in the universal assertion that, on returning home, the father scraped and washed the spots touched by the chrism, in the belief that he thereby effaced the sacrament.[2]

Marriage was the source of infinite trouble. The Church had prohibited unions within the fourth degree of kinship and, by inventing spiritual affinity, it had complicated and enlarged the incestuous area while, by assuming for the pope the profitable power of selling dispensations, it admitted that the restriction was purely artificial. Among the Moors, marriage between first cousins was permitted and, as the Moriscos dwelt confined in their Morerías, or in small, isolated villages, without power to change domicile, intermarriage throughout generations had created such complexity of relationship that unions lawful under the canon law must have been exceptional. We have seen the question raised in the Concordia of 1528, with the result that existing marriages and betrothals were dispensed for, but that future ones

[1] Navarrete, Conservacion de Monarquías, pp. 51–3 (Madrid, 1626).

[2] Bleda, Corónica, pp. 951–2.

must conform to the canons. This was a virtual impossibility; the rectors sought to make their subjects purchase dispensations, but we are told that they rarely did so; that, in some places, they merely told the lord that the parties were of kin and that, if he made no objection, the marriage would take place—an indifference for which more than one noble was prosecuted and publicly penanced.[1] Under such circumstances, there could have been no Christian marriage-rites, and the union was legally pure concubinage, or at best clandestine marriage, which the Council of Trent, in 1563, pronounced invalid.[2] It was probably the conciliar definitions that induced the Córtes of Monzon, in 1564, to petition that facilities should be afforded for obtaining dispensations from the Commissioner of the Santa Cruzada, who possessed the requisite faculties, and further that the offspring of such unions should be legally legitimate. To this not unreasonable request the bishops of the Council of Valencia, in 1565, replied by threatening excommunication and other penalties on all marrying within the prohibited degrees, and on all concerned in evasions of the canons.[3]

The matter was universally admitted to be of supreme importance, but it was treated with the customary negligence and procrastination. At length, in 1587, Philip II represented it to Sixtus V, but he only obtained a brief, January 25, 1588, granting to the Valencia bishops, for six months only, faculties to validate such marriages, legitimate the children and absolve the parents *in utroque foro*, with salutary penance, for all of which no fees were to be exacted. It is not likely that the officials took much interest in performing this gratuitous labor, or that the Moriscos, even if they chanced to hear of the brief, exposed themselves to the annoyances which it entailed. The last recorded action in the matter is that Philip, in 1595, resolved to apply for another brief of the same nature. He doubtless obtained it with the same nugatory result.[4]

The Moorish rule, to eat no meat slaughtered by the uncircumcised, was made the pretext for some troublesome intermeddling. In the Granada decree of 1526, Charles V forbade all slaughtering by Moriscos, in places where there was an Old Christian; where

[1] Fonseca, p. 72.—Cf. Bleda, *op. cit.*, p. 905.

[2] C. Trident. Sess. XXIV, de Reform. Matrim. C. 1.

[3] Danvila y Collado, p. 169.—Aguirre, Concil. Hispan. V, 418.

[4] Bulario de la Orden de Santiago, Lib. IV, fol. 101, 102.—Boronat, I, 661.

there was none, the priest was to designate a person to perform the office.[1] Little attention appears to have been paid to the matter, until Archbishop Ribera issued an edict prohibiting Moriscos from eating meat that had not been slaughtered by an Old Christian. This was trespassing on the jurisdiction of the Inquisition and, in 1579, the Suprema called upon the Valencia tribunal for a report, including what Bishop Gallo of Orihuela had done with regard to the same matter. The tribunal replied that the edict was obeyed, but that the Moriscos would eat no meat slaughtered by Old Christians, except in a few places, under compulsion by their lords. The edict ought to be perpetuated, for the refusal to eat the meat of a Christian butcher was proof of suspicion, requiring prosecution by the Inquisition. In Orihuela there was doubt whether a cow killed at Aspe had been properly slaughtered; the Moriscos refused to eat of it, for which the Murcia tribunal punished a number of them, leading Bishop Gallo to order that, at Aspe and Nobelda, the butchering should be done by Old Christians. It was probably this which led to general legislation forbidding Moriscos to follow the trade of butchers, or even to kill a fowl for a sick man, a law repeated as late as 1595.[2]

Subjected to the perpetual exasperation of interference with their habits and customs, to the oppression of their lords and the persecution of the Inquisition, denied all opportunity to rise in the social scale, forbidden to enjoy the faith of their ancestors, while sedulously trained to hate the religion imposed on them, and despairing of relief in the future, it is no wonder that the Moriscos were discontented subjects, eager to throw off the insupportable yoke and to rise against their oppressors. They were, however, but little more than half a million of souls, weaponless and untrained, in a population of eight or ten millions—a negligible quantity in the vigorous days of Ferdinand and even in the earlier years of Charles V. The Spanish monarchy, however, had squandered its strength on distant enterprises; even before the fearful drain in the Netherlands, the exhaustive effort required to crush the Moriscos of Granada showed that it was already

[1] Nueva Recop., Lib. VIII, Tit. ii, ley 13, cap. ix.

[2] Boronat, I, 589.—Bledæ Defensio Fidei, pp. 57, 42ϖ1.—Dnvila, p. 230.

bankrupt in resources. That episode was a warning which Spanish statesmanship might well take to heart, and, year by year, the fear grew greater of what might be the fate of Spain if internal enemies should unite with external.

There had long been a source of humiliation and annoyance, though not in itself of danger, in the ravages of Moorish corsairs along the southern coast, for which the Moriscos were held responsible. Undoubtedly they aided by conveying information, maintaining relations with Barbary, and availing themselves of the razzias to escape thither when they could, but the primary fault lay in the incredible fatuity of a policy, so preoccupied with foreign ambitions and the fatal Burgundian inheritance, that it neglected the protection of the Spanish shores, until it became a proverb that these were the Indies of the Turkish and Moorish sea-rovers.

Complaints of these ravages commence with the Christianization of Granada and continue uninterruptedly for more than a century, while the measures to guard against these attacks were spasmodic and miserably insufficient. Boronat gives a list of thirty-three descents, between 1528 and 1584, but this cannot include the innumerable landings from small vessels to carry away bands of Moriscos and such pillage as could hastily be gathered—little raids such as that picturesquely described by Cervantes, with its characteristic feature of the fortified church, in which the Christians of the sea-coast village defended themselves, while the Moriscos eagerly hurried to embark.[1] In the larger expeditions, the Moriscos sometimes escaped in considerable numbers. In 1559, Dragut carried off twenty-five hundred; in 1570, all those of Palmera were taken; in 1584, an Algerine fleet removed twenty-three hundred, and the next year another fleet took away the whole population of Callosa, all of which was exceedingly damaging to the lords who lost their vassals.[2]

These raids were practically unresisted and unavenged, for the coasts were unguarded by land or sea. Occasionally, as in 1519, we hear of a few hundred troops sent, when news was received of an expected hostile fleet: sometimes there were negotiations between the central government and the exposed provinces to main-

[1] Boronat, I, 208–12.—Escolano, II, 1746–68, 1798–1810.—Persiles y Sigismunda, Lib. II, cap. xi.

[2] Danvila y Collado, pp. 161, 182, 205, 207.

tain a force on the water, but the inadequacy of these precautions is illustrated by the bargaining in 1547, when the Catalan Córtes complained of the irreparable damage inflicted by the Moorish corsairs and asked that six of the Castilian galleys be sent to winter there. Prince Philip would only promise that he would do what was suitable, which brought an offer that Catalonia would equip and man one galley while Valencia promised one or two, and Philip acceded to the request that the Castilian galleys should coöperate with them.[1] Another expedient was based on the assumed collusion of the Moriscos with the corsairs, and it seemed easier to exclude them wholly from the coast than to guard it effectually. As early as 1507 Ferdinand undertook to depopulate it from Gibraltar to Almería, but the experiment proved a failure.[2] It was tried again repeatedly, in various savage laws to prevent Moriscos from travelling within prescribed distances from the sea, and from holding communication with the corsairs, but this naturally effected nothing.[3] In 1604, the Córtes of Valencia even proposed to enlist the coöperation of the Moriscos, by suggesting that they should redeem all Christians captured and enslaved on the Valencian coast, in return for which the rigor of the Inquisition should be relaxed and their evidence against each other should not be required, but it is needless to say that the plan was rejected.[4]

While this matter of the corsairs was comparatively trivial in itself, it bore a disproportionately large share in the discussions on the Morisco question, and undoubtedly had its influence on the final decision. The result, indeed, showed that there was a connection between the Moriscos and the corsairs, for one of the benefits derived from the expulsion was relief to the coasts.[5] Vastly greater, however, in the eyes of statesmen, was the impending danger of rebellion, coincident with attack from Barbary or from the Turk or, in later years, from France.

Even as early as 1512, Peter Martyr, in describing the disturbed

[1] Boronat, I, 207.—Constitutions en la Cort de Barcelona en lany 1520; en lany 1547 (Barcelona, 1520, 1548).

[2] Pet. Mart. Angler. Epist. 499.—Mariana, Hist. de España, IX, 217 (Ed. 1796).

[3] Danvila y Collado, pp. 109–12, 118, 129, 132, 210.—Nueva Recop., Lib. VIII, Tit. ii, ley 20.—Archivo de Simancas, Inq., Lib. 940, fol. 69, 184.—Boronat, I, 471, 499.

[4] Fonseca, pp. 341, 343.

[5] Guadalajara y Xavierr, fol. 160–3.

condition of Granada, declared that if some daring pirate leader should march into the interior, the population would rise and, as Ferdinand was occupied with the conquest of Navarre, all would go to ruin.[1] In 1519, there was a scare in Valencia over a report that the Moors of Algiers were coming to seize the kingdom, in concert with the Moriscos.[2] It is somewhat remarkable that, when a conspiracy was discovered in 1528, the eagerness of the Valencia tribunal to defend its jurisdiction actually led it to protect the conspirators. The authorities had arrested Pere de Alba and his mother-in-law Isabel, as the leaders of the plot. The tribunal claimed them as apostates and, when they were sent to it for examination, it threw them into its prison and refused to surrender them, although the viceroy demanded them as essential to unravelling the details of the conspiracy. Cardinal Manrique was obliged to despatch a special courier with a letter expressing his surprise, as the safety of the state was the first consideration, but even then the tribunal only gave them up with a warning that they must not be made to suffer in life or limb.[3]

When Philip II returned to Spain, in 1559, he called for a report on the Moriscos, and the information submitted to him comprised an account of a plot with the Turks for an invasion.[4] In 1565, a number of arrests were made on charges of treasonable correspondence with the Turk, and it was public rumor that thirty thousand Moriscos were enrolled, awaiting only the capture of Malta to rise in aid of an invasion. The French ambassador, who reported this, subsequently added that the story of the conspiracy was contradicted, but the Moriscos were so badly treated by the Inquisition that despair might readily lead them to rise in arms to aid the Turk.[5] In 1567, the trial of Gerónimo Roldan, by the Valencia tribunal, revealed evidence of envoys from the ruler of Algiers with a letter urging the Moriscos to rise, together with plans to organize and arm them.[6] It is true that the rebellion of Granada showed that there was no such eagerness to invade Spain as was apprehended, but, on the other hand if, with the aid of five or six hundred Moors and Turks, the insurgents

[1] Pet. Mart. Angler., Epist. 499.
[2] Escolano, II, 1448.
[3] Boronat, I, 179.
[4] Danvila y Collado, p. 158.
[5] Dépêches de M. de Fourquevaux, I, 8, 13.
[6] Archivo hist. nacional, Inq. de Valencia, Leg. 30.

had taxed to the utmost the power of the kingdom, what was the prospect if a powerful fleet, holding command of the sea, should land a heavy force of trained and well-armed fighting men? During the rebellion, the Venetian envoy, Sigismondo Cavalli, pointed out that assistance from Barbary would involve the kingdom in the greatest straits, for there were about six hundred thousand Moriscos to help an invader. So, in 1575, Lorenzo Priuli, estimating them at four hundred thousand, described them as the source of perpetual danger.[1] The peril constantly increased with time. It was universally recognized that, through the drain to the colonies, the external wars, and the growth of the celibate clergy, the Old Christians were constantly diminishing in numbers, while the Moriscos were rapidly increasing; the material and especially the military resources of Spain were becoming gradually exhausted, and Spanish statesmen looked forward anxiously to the time when, as Fray Bleda tells us, the Moriscos hoped eventually, to reconquer the land with the aid of the Moors and Turks.[2]

Nor was this all for, with the pacification of France under the able control of Henry IV, there loomed before them a new and more dangerous enemy. Henry had a long debt of vengeance to pay, and was but awaiting his opportunity. He was in alliance with the Turk and had no conscientious scruple as to Moslem aid. Even as early as 1583, while as yet he was only King of Navarre, there was a scare over an asserted combination between him and the Turk, for an invasion in combination with the Moriscos, which led the Suprema, in January, 1584, to order from the Saragossa tribunal a report on all the evidence in the records as to plots for rebellion.[3] This was furnished in detail and shows the incessant vigilance and constant anxieties, since 1565, to which the disaffection of the Moriscos had given rise, and their correspondence not only with the Barbary States and the Turk, but with the French Huguenots. A portion of the evidence was undoubtedly manufactured by the spies in the pay of the Inquisition, but there was enough of genuine to show that plots and intrigues were constantly on foot among the Moriscos. Henry

[1] Relazioni Venete, Serie I, T. VI, pp. 165, 241.
[2] Bledæ Defensio Fidei, pp. 272, 276, 285.
[3] Archivo hist. nacional, Inq. de Valencia, Cartas del Consejo, Leg. 5, fol. 192.

IV was quite ready to utilize their disaffection in furtherance of his plans for the overthrow of the Spanish monarchy and, in 1602, he entered into negotiations with them, through the Marshal Duke de la Force, his governor in Béarn and Navarre. They promised to raise eighty thousand men and to deliver three cities, one of them a seaport and, as an earnest of their resolve, they paid to la Force, at Pau, in 1604 or 1605, a hundred and twenty thousand ducats, but Henry decided that the moment was not favorable and the plan was postponed.[1]

Then, in 1608, there came a fresh alarm through negotiations of the Valencian Moriscos with Muley Cidan, a pretender to the throne of Morocco, to whom they promised two hundred thousand men, if he would bring twenty thousand and seize a seaport, while certain Hollanders agreed to furnish transportation. Philip III was so impressed with this that, in sending the report to the Royal Council, he ordered it to consider the matter to the exclusion of everything else. He admitted the defenceless condition of Spain; Muley Cidan was its declared enemy; Sultan Ahmed I had his hands free from the war with Persia and had suppressed his own rebels; Spain's Italian possessions were exhausted and ripe for revolt, while at home the Moriscos were impatient for liberation. The Council was therefore ordered to consider the means of preserving peace, short of butchering them all.[2]

This scare passed away; Muley Cidan rejected the Morisco overtures, and Ahmed sent his fleet against the coasts of Italy. The impression remained, however; the final impulsion had been given, and thenceforth the expulsion of the Moriscos was only a question of means and opportunity. Its execution can scarce be said to have been premature for, although those of Valencia were deported in the autumn of 1609 and those of Aragon in the spring of 1610, Henry IV still relied on those who were left to aid him in his plans for the destruction of Spain. A part of his design was an invasion by la Force with ten thousand men, trusting to the coöperation of the Moriscos, with whom negotiations had been resumed. La Force was in consultation with him, and was in his carriage on May 14, 1610, when, in the Rue de la Ferronerie, the knife of Ravaillac gave Spain a respite.[3] It was evidently

[1] Mémoires du Duc de la Force, I, 217–20, 339–45 (Paris, 1843).—Escolano, II, 1811–18.

[2] Janer, p. 274.

[3] Mémoires de la Force, I, 217, 221–2.

supposed that the expulsion had been imperfect and that Spain was still an easy prey. The Baron de Salignac, French Ambassador at Constantinople, wrote to Henry, May 2, 1610, that no matter how many Moriscos had been banished, enough remained to give the Spaniards trouble; war that elsewhere could cost a crown would not there cost a maravedí, and when it should begin Spain would find it more difficult to raise a maravedí than it would be to raise a doubloon elsewhere.[1] As events turned out, these were vain speculations, but they have interest as showing how, in the estimation of her enemies, Spain had fatally crippled herself by the mismanagement of her Morisco subjects. To the Spanish statesmen of the time the situation had become one from which extrication was imperative at whatever cost.

It can readily be believed that the matter had long before awakened the earnest solicitude of Philip II and his counsellors. As early as 1581, when in Lisbon consolidating his rule over Portugal, he formed a junta of his chief advisers to formulate a definite conclusion. That which they reached was the merciful one of sending to sea all the Moriscos who would not be catechised or did not desire to remain, embarking them on worthless ships which were to be scuttled, for it was deemed unwise to add to the population of Africa; it was resolved that, when the fleet returned from the Azores, the plan should be executed by Antonio de Leyva but, when the fleet arrived, it was wanted in Flanders, and the project was abandoned. When, in 1602, Philip III was informed of this, he expressed his pleasure because it justified what was then in contemplation.[2]

As Fray Diego de Chaves, confessor of Philip II, was a member of the junta, there could have been no conscientious scruples concerning this wholesale murder. The Church for centuries had taught that death was the penalty for heresy; this was past discussion and was accepted as a matter of course, so that anything short of it was a grace undeserved—slavery, the galleys, the mines, castration, were mercies for which the culprits should feel grateful. So all theologians taught and so Fray Bleda learnedly set forth in his hideous book, the *Defensio Fidei*, which was approved in Rome after careful examination, and was printed at the ex-

[1] Ambassade en Turquie de Jean de Gontaut-Biron, Baron de Salignac, II, 353 (Paris, 1889).

[2] Danvila y Collado, pp. 250–4.

pense of Philip III.[1] Yet, for the honor of humanity, it must be said that there were a few rare souls who held that religion should be spread by love and charity—at least we may so assume from a memorial presented to the Lisbon junta, setting forth that the proper means of conversion had never yet been tried; that the cure had failed through the use of violence, for the disease was not incurable and the fault lay in the methods adopted; Christ had sent forth the apostles to convert the world by preaching the gospel, and the effort should be to find teachers of exemplary life, who would preach with love and gentleness. The memorial recited calmly and temperately the mistakes that had been made in the use of coercion and the absence of instruction and persuasion, and it proposed a series of measures which show that the writer was familiar with the difficultes of the task, the essential condition of which was that those entrusted with it should persuade themselves that it was not impossible. The junta contented itself with proposing that, if the king so desired, the memorial could be sent to the prelates of Valencia, Aragon and Granada, for examination and report. It seems to have been so sent, but only two answers are on record. Archbishop Ribera replied with the alternative of immediate expulsion or, what would be better, thinning out the Moriscos by appointing a body of special inquisitors, who should execute speedy justice, until there should be so few left that they could be expelled without trouble, thus calmly proposing to burn men and women by the hundred thousand. A shade less ferocious was the suggestion of the Inquisitor of Valencia, Ximenez de Reynoso, who favored expulsion to Newfoundland, under the guard of soldiers, who should receive allotments of land and vassals, similar to those of the conquistadores in the New World.[2] Such an expulsion averted the danger of increasing the African population and was recommended, with a characteristically savage addition, by Martin de Salvatierra, Bishop of Segorbe, when, in 1587, his advice was sought by Philip. He responded by a long and brutal attack on the Moriscos, and suggested deportation to Newfoundland, where they would speed-

[1] Bleda, Corónica, p. 928; Defensio Fidei, pp. 13–14, 502.

[2] Boronat, I, 291–4, 596, 603–4.—Danvila y Collado, pp. 196–200.

The memorial, in a somewhat more elaborate form, was presented to the conference of bishops in Valencia, November 22, 1608, when Ribera pronounced it to be a hallucination, founded on ignorance—Boronat, II, 132, 493 sqq.

ily perish, especially if the precaution were taken of castrating all the males, old and young.[1]

It is to the credit of Philip II and his counsellors that, after the failure of the Lisbon project of 1581, they refused to entertain the inhuman suggestions of their ecclesiastical advisers. The matter continued to be threshed out, over and over again, in repeated juntas and councils, in innumerable consultas, and in the system, which Philip had reduced to perfection, of endless talking and writing, which served as an excuse for inaction. One device after another was discussed, such as reducing all the Moriscos to slavery, or sending the able-bodied to the galleys, but the idea of expulsion gradually forged to the front. In this confused tangle of prejudice, passion and fanaticism, it is refreshing to meet with a more statesmanlike view, expressed in a letter of the royal secretary, Francisco de Idiaquez, October 3, 1594, concerning a paper, submitted to him by the king, from some zealous but unpractical person, who argued that the existing scarcity arose from overpopulation, which would be relieved by the expulsion of the Moriscos. So far from this being the case, said Idiaquez, Spain had less inhabitants than for the last two or three centuries. If the presence of this vile race were as safe as it was profitable, there was not a corner of land that should not be placed in their hands, for they alone would bring fertility and plenty by their skill and thrift, which would reduce the price of provisions and with them that of other products. Cheapness was not caused by scanty population but by dense, if the people would work; the high prices were the result of the vice, the idleness, the luxury and the excessive superfluities indulged in by all classes.[2]

The panic fear entertained of the Moriscos is reflected in an elaborate memorial presented to Philip III, on his accession in 1598, by the Marquis of Velada, who had been his tutor and was his *mayordomo mayor*, seriously urging Sicilian Vespers to prevent them from adopting the same expedient.[3] Yet the simpler solution of allowing the irreconcilables to depart was not without its advocates, and at one time came near to adoption. In 1598, Don Martin González de Cellorigo submitted to Secretary Idiaquez

[1] Boronat, I, 610–34.
[2] Danvila y Collado, p. 227.
[3] Boronat, II, 64.

the suggestion that they should be permitted or required to leave Spain, scattering the rest throughout Castile, on their abjuring their heresies, and subjecting them to the restrictions imposed on the exiles from Granada.[1] Even as late as 1607, the *Junta de Tres*, to which the whole affair of the Moriscos had been entrusted, in a consulta of January 1st, favored the plan of allowing all, who would not accept Christianity, to betake themselves to Barbary, pointing out the futility of the objection that this would increase the power of the Moors, and this it repeated, October 29th, adding the suggestion that the Moriscos of Castile should be scattered and confined to agricultural labor, in all of which Philip signified his concurrence.[2]

This was too sensible and humane to suit the ecclesiastics, who were bent on getting rid of the obnoxious apostates by expulsion or extermination, and Spain was not to be allowed so easy a solution of the difficulties created by a century of fanaticism and wrong-doing. In the irresolute and vacillating policy of the court, a final effort was made, as we have seen, to conciliate and instruct, in the Edict of Grace of 1599, under conditions that rendered it nugatory. Its failure, in 1601, was followed by the memorials of Archbishop Ribera urging expulsion, and any subsequent efforts to convert, such as a junta of bishops held in 1608 and 1609, were merely to keep the Moriscos amused and in ignorance of the more drastic measures proposed, during the years in which Philip III and his advisers discussed and rediscussed the question, pondered over details and avoided an irrevocable decision.

When, under pressure of the alarm about Muley Cidan, Philip called upon his Council of State for an immediate decision, it admitted that there had been too much delay and that the matter must not be left for the next generation, for the Christians, through wars and religion and dissolute lives, were constantly diminishing in numbers, while the Moriscos, through peace and frugality, were multiplying until in time they would be the majority. The alternatives of massacre or slavery, or the galleys, or allowing the discontented to emigrate were barely alluded to, and expulsion was in the minds of all. The external relations of Spain rendered the opportunity propitious and it ought not to be wasted. The work should commence with Valencia, which was the most dangerous

[1] Boronat, I, 366.
[2] Ibidem, II, 75, 98–111.

centre, and the other kingdoms could be kept quiet with assurances that the expulsion was not to go further. The opposition of the nobles could be bought off by granting them the real and personal property of their vassals, and preparations should be made to have a powerful fleet off the coast by the end of Spring, and sufficient forces on land to crush resistance. As the Inquisition was in the habit of making many arrests, it could readily seize the influential Moriscos, so as to deprive the rest of their leadership. This sketched out the plan eventually followed, and the only partially dissentient voice was that of the royal confessor, Cardinal Fray Gerónimo Xavierr, who pleaded the forcible baptism and the futile endeavors to instruct by ministers, many of whom were of lives so depraved that they wrought harm by their evil example; he asked that efforts to convert should continue and if, by the time set for expulsion, there was no prospect of improvement, the proposed rigor would be justified. A process could then be formed by the Inquisition as to their apostasy, when they could be condemned for treason against God, or, if rebellion were proved, for treason against the king.[1]

This last suggestion refers to a characteristic scruple. Ribera had alluded to it in his second memorial, to the effect that expulsion would be an invasion of ecclesiastical jurisdiction, depriving it of inflicting the canonical punishments, but this, he suggested, could be removed by application to the pope.[2] It was doubtless in view of this scruple, and to avoid interference by the Inquisition, which was interested in maintaining the existing situation, that the edict of expulsion represented the measure as purely secular, caused by the treasonable correspondence of the Moriscos with the enemies of Spain, and by the necessity of placating God for their heresies.[3]

Still there were irresolution and delay, and the die was not cast until, in April, 1609, the Council of State presented a consulta unanimously agreeing on expulsion and virtually determining that the work should commence in autumn, the interval being employed in organizing the militia, bringing troops from Italy, and assembling squadrons to command the coast. Early in May orders were sent to the viceroys of Sicily, Naples and Milan to

[1] Boronat, II, 464–74.
[2] Ximenez, Vida de Juan de Ribera, p. 381.
[3] Janer, p. 299.

have the galleys in readiness and, at the end of June, the squadrons were instructed to rendezvous at Majorca on August 15th. Even after this there were evidences of hesitation and vacillation, but the plan was adhered to.[1]

Early in August, Don Agustin de Mexia, an officer of high rank, who had distinguished himself at the siege of Ostend, was sent to Valencia, ostensibly to inspect the fortifications, but armed with full powers to carry out the expulsion. He bore a letter from the king to Ribera, expatiating on the influence which the latter had had in leading him to a decision. Ribera had obtained more than he had bargained for. His somewhat selfish theory had been that, by expelling the Moriscos from the rest of Spain, those of Valencia and Aragon could be controlled, and he shrank from the loss and misery to be inflicted on his immediate surroundings. As late as December 19, 1608, he had urged this view in a letter to the royal secretary, arguing that they were an injury to Castile and Andalusia, while their removal would be ruin to Valencia and Aragon, now the most flourishing kingdoms of Spain. The larger cities, he said, lived on the provisions brought by the Moriscos; the churches, hospitals, monasteries, brotherhoods, pious bequests, nobles, gentry and citizens depended on their services and were supported by the censos charged on their communities; he often wished to die rather than to witness such destruction.[2] So, when Mexia reached Valencia, August 20th, and, after conference with the Viceroy Caracena, Ribera was sent for and read the royal letter, he repeated these arguments and proposed that all three should join in appeal to the king to commence with Andalusia. When the conference ended at 4 P.M., he was still firm and was told that a courier for Madrid would start at midnight when he could write what he saw fit. On reflection he concluded that the king wanted obedience, not advice, and he sent to the palace, in time for the courier, a letter to the king, and word to Mexia and Caracena, setting forth that the royal resolution came from heaven and he would further it with all his power. Still, he could not reconcile himself to the prospect of poverty. On August 23d he wrote to Secretary de Prada repeating his urgency that commencement be made with Castile and Andalusia and, on September 3d, he said to Fray Bleda and the Domin-

[1] Danvila y Collado, pp. 274–86.—Boronat, II, 506.—Janer, pp. 282–91.
[2] Ximenez, p. 397.—Boronat, II, 501.

ican Prior Alcocer "Padres, we may well in the future have to eat bread and herbs and to mend our own shoes."[1]

The secret had been admirably kept, but the mission of Mexia on a duty so incompatible with his rank caused suspicions which grew from day to day. The Moriscos commenced to fortify their houses, to cease laboring and bringing provisions to the city, which suffered in consequence; the nobles brought their families to town to be prepared for the worst, and Ribera's action in increasing his guard and laying in stores of victuals increased the excitement. The *Estamento Militar*, or House of Nobles, held two or three stormy meetings, in which it was resolved to send a deputation to the king to represent the ruin which expulsion would bring upon every class in the kingdom, where eleven millions of ducats were invested in the censos charged on the Morisco communities. The envoys went but, when they reached Madrid, they were told by the king that it was too late, for the edict had been already published in Valencia.[2]

Everything, in fact, had worked with precision. By September 17th the fleet, consisting of sixty-two galleys and fourteen galleons, conveying about eight thousand disciplined troops, had reached their stations at Alicante, Denia and the Alfaques de Tortosa, and had commenced landing the men. Possession was taken of the Sierra de Espadan, while Castilian cavalry guarded the frontiers. When all was in readiness, royal letters to the Jurados, Diputados and Estamento Militar were read and, on the 22d, the edict was published.

The comparative liberality of the terms and the short notice allowed manifest the sense of weakened power. Under irremissible pain of death, within three days after publication in the several towns and villages, all Moriscos were to depart for the port of embarkation designated by a commissioner. They could take such portable property as they could carry on their backs; they would find vessels ready to carry them to Barbary and would be fed on the voyage. During the three days all must remain at home awaiting the orders of the commissioners and, after that, any one absent from his domicile could be robbed by the first comer and carried to a magistrate or be slain if offering resistance. As the king gave to the lords all real and personal property not

[1] Boronat, II, 501, 167.—Bleda, Corónica, p. 988.

[2] Guadalajara y Xavierr, fol. 109.—Fonseca, pp. 148–58.

carried off, any firing of houses or harvests or hiding of portable things would be punished by putting to death all the inhabitants of the place. In order to preserve the houses, the sugar mills, the rice crop and the irrigating canals, six per cent. of the Moriscos were allowed to remain. The same permission was given to those who, for two years, had lived among Christians without attending the meetings of the aljamas, as well as those admitted to communion by their priests. Children under four years of age desiring to stay could do so, with consent of parents or guardians. Children under six, whose fathers were Old Christians, were to stay, together with their Morisco mothers: if the father was a Morisco and the mother an Old Christian, he was to go and children under six were to stay with their mother. Sheltering fugitives was forbidden, under pain of six years of galleys, and all soldiers and Old Christians were strictly forbidden to insult or injure Moriscos by word or deed. As an evidence of good faith, after every instalment had been carried to Barbary, ten were allowed to return and report to their fellows what their treatment had been.[1]

The publication was followed by days of anxious suspense. The people, we are told, rejoiced, for they hated both the Moriscos and the nobles, and there were symptoms of a rising against the latter. The lords grieved over the ruin of their lands and the religious communities over the loss of their enormous investments in censos. The Moriscos at first were inclined to resist and, after vainly offering large sums to the viceroy, they sought to arm themselves by forging ploughshares and reaping-hooks into pikes, which with slings were their only weapons.[2] Then suddenly their purpose changed. They were awed by the large bodies of disciplined troops and by the cavalry on the border. A meeting was held of their alfaquíes and leaders, in which it was agreed that resistance was hopeless and that, in case of defeat, their children would be brought up as Christians, while prophecies were talked of which promised an unexpected blessing. Consequently it was resolved that all should go, including the six per cent. allowed to remain, and that any one who stayed should be regarded as an apostate. This had such an effect that those who had been offering large sums to be included in the six per cent. now refused to stay, although asked to name their own terms. The Duke of

[1] Janer, p. 299.

[2] Fonseca, pp. 165, 198.

Gandía, who had an enormous sugar crop and who could get no other skilled labor to work his mills, vainly offered whatever they might ask. The only condition they would accept was the free exercise of their religion; the Duke applied to the viceroy, but Ribera declared it to be a concession beyond the power of king or pope to grant, for they were baptized.[1]

The nobles, for the most part, loyally accepted the situation and aided in the execution of the decree. The Duke of Gandía who, next to the Duke of Segorbe, had the largest number of vassals, wrote to the king, October 9th, that on September 28th the Marquis of Santa Cruz had embarked for him five thousand of them, whom he desired to be the first, in order to quiet the apprehensions of the rest as to the safety of the voyage. To protect and reassure their vassals, a number of the nobles—the Duke of Gandía, the Marquis of Albaida and others—accompanied them and saw them safely on shipboard, and the Duke of Maqueda even sailed with them to Oran, the point of debarkation.[2] All, however, were not thus self-sacrificing. Bishop Balaguer of Orihuela reported, October 31st, that some were retaining their vassals by threats or by force, and that, unless energetic commissioners were sent, many would be kept.[3]

The Moriscos objected to abandoning their personal effects to their lords and sought to convert what they possessed into money. Gandía and some others permitted this, but many insisted on their rights and, on October 1st, the viceroy issued a proclamation forbidding all sales, but this led to imminent danger of rebellion and was wisely abandoned. The land became a universal fair in which stock, produce and household gear were sold at a fraction of their value, and finally were given away. The Grao or port of Valencia, while the exiles were awaiting fair winds, became a bazaar, in which exquisite Moorish garments, rare embroideries, rich gold and silver laces and the like were bought for a song.[4]

As soon as the first shock was over, of abandoning home and possessions, the prospect of reaching a land, where they could openly

[1] Fonseca, pp. 199 sqq.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 2.—Bleda, Corónica, p. 1000.

[2] Danvila y Collado, p. 301.—Fonseca, p. 219.

[3] Boronat, II, 240.

[4] Fonseca, pp. 202 sqq., 219.—Janer, p. 203.—Bleda, Corónica, p. 1004.—Boronat, II, 210.

profess their faith and escape paralyzing oppression, stimulated them to intense eagerness to leave Spain. They contended for places in the first embarkation, and the commissioners had no trouble in assembling and leading them to the designated ports. Troops escorted them to protect them from the savage greed of the Old Christians, who gathered in bands, robbing and often murdering those whom they encountered. Royal edicts commanding swift justice were issued, gallows were erected along the roadsides and executions were numerous, but it was impossible to prevent outrages. In spite of this the Moriscos pressed forward to the shores. At Alicante they came with music and song, thanking Allah for the happiness of returning to the land of their fathers, which suggests how simple a solution of the question it would have been to permit the emigration of the discontented. Many, indeed, distrusting the royal faith, preferred to charter ships and pay for transportation, which was encouraged by providing elaborate regulations to ensure, as far as possible, their safe passage and fair treatment. All the Spanish ports were ordered to send their ships to the Valencia coast, even discharging those which were loaded, and all arrivals were pressed into service. Seeing this eagerness, the promise of free passage was broken after the first embarkation, and the royal galleys charged the same fare as the private vessels—seventy-five reales per head for all over sixteen and thirty-five for those younger. In all there were three embarkations, occupying about three months and including, according to lists kept at the ports, over a hundred and fifty thousand souls.[1]

This eagerness to go was, however, not universal. There were many who, not unreasonably, felt little confidence in the royal faith and preferred the chances of resistance. Gathering into bands they sought refuge in two easily defensible positions, one on a peak in the Val del Aguar, where their numbers were reckoned at from fifteen to twenty-five thousand, and the other in the Muela de Cortes, where there were said to be nine thousand. Mexia paid no attention to them, until the business of embarkation

[1] Fonseca, pp. 212–22.—Escolano, II, 1988.—Bleda, Corónica, pp. 999, 1001–3, 1005–7, 1020.—Boronat, II, 234.

A report, apparently drawn up by the Valencia tribunal, puts the number at the more moderate figure of 100,656, viz., at Valencia, 17,766; at Alicante, 32,000; at Denia, 30,000; at Vinaros, 15,200; and at Moncofar, 5,690.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 2.

was nearly concluded, when they were readily reduced. In the Val del Aguar it was a massacre of the weaponless wretches, rather than a battle; three thousand Moriscos were slain and only one Spaniard, Bautista Crespo, who was killed by his own firelock. The survivors, starved, frozen and dying with thirst, surrendered at discretion, November 28th, and were conducted to the port of embarkation, but many perished of exhaustion on the road and many women and children were stolen by the soldiers and sold as slaves, while of those who embarked but few reached Africa. At the Muela de Cortes they surrendered on promise of safety to life and property, provided they embarked within three days, but the soldiery, disappointed at the loss of expected booty, fell upon them. Only three thousand were brought to the sea-ports, and more than two thousand scattered among the mountains, where for a year or two they gave much trouble. They had elected as king Vicente Turixi, who was tracked to a cave and brought to Valencia, where he was put to a cruel death, December 18th. He died as a good Christian and made a most edifying end, for we are told that he had been a most liberal almsgiver and was devoted to the Virgin and to the religious Orders.[1] This ended the only open resistance to the expulsion throughout Spain.

The unexpected ease of the affair in Valencia, rega ded as the most dangerous district, quickened the preparations for the other kingdoms. Thus far it had been represented as confined exclusively to Valencia, but the rest felt that their turn was to come, and remonstrances were showered upon the government, which met them with equivocating denials and assurances. The mask was gradually thrown off. Towards the end of October the Marquis of San German was sent to Seville to prepare for the expulsion from Murcia, Granada and Andalusia. Murcia succeeded in obtaining a suspension of the decree, which was published for the other provinces on January 12, 1610, after the galleys and troops had been brought from Valencia. It gave the exiles thirty days—subsequently reduced to twenty—after which they were threatened with death and confiscation without trial or sentence. Their lands were confiscated to the king, for the service of God and the public, but they were allowed to sell movable property and carry away the proceeds in merchandise bought of Spanish subjects, but were forbidden to take bills of exchange, jewels, bullion

[1] Fonseca, pp. 234–49.—Bleda, Corónica, pp. 1009–20.—Escolano, II, 1972.

or money, beyond what was needed for transportation. They could take their children with them, provided they went to Christian lands, which led many to charter vessels, ostensibly for France, but in reality for Africa. In spite of the reports of the cruelties perpetrated in Algiers on the Valencia exiles, they are said to have gone with cheerfulness, and many of them sought Morocco. By April, Andalusia was reported clear of Moriscos and that a few remained on the coast of Granada, waiting for vessels. The whole number was estimated at from eighty to a hundred thousand, besides twenty thousand who had voluntarily gone in advance. They were reported to have carried much wealth with them, which is not improbable, as many, especially those of Seville, were rich and prosperous and held positions of honor. A significant incident was the desire of Córdova to retain six per cent. of them and, when this was refused, it petitioned for the retention of two Morisco saddlers, for the encouragement of horsemanship, especially as they were old and childless. Apparently there were no Spaniards capable of making harness.[1]

Yet, at first, there were some exceptions made. It had been represented to the king that there were many descendants of Mudéjares, voluntarily converted prior to the enforced baptism, who were Spaniards in dress, language and religion, including many *beatas* and persons vowed to chastity. Accordingly an order was issued, February 7, 1610, to the bishops to examine all such cases and report to San German those whom they found worthy to be retained. This, however, amounted only to a brief reprieve. Their cases were referred to the Royal Council and those who did not, within the impossibly brief term of thirty or sixty days, obtain favorable decisions were hunted like wild beasts and forcibly carried off.[2]

Expulsion from Castile had been resolved upon by the Council of State, September 15, 1609, but was deferred to await the result in Valencia. In preparation, an attempt was made in October to organize the militia, by enrolling one in five of the able-bodied men—a measure twice attempted in vain by Philip II—but it

[1] Cabrera, Relaciones, pp. 386, 390, 396, 402.—Nueva Recop., Lib. VIII, Tit. ii, ley 25.—Bleda, Corónica, pp. 1038–42.—Janer, pp. 295, 296.—Cf. Bravo, Catálogo de los Obispos de Córdova, p. 582.

[2] Guadalajara, fol. 144.—Aguilar y Caro, Memorial Ostipense, I, 164–66. (Estepa, 1886).

met with resistance which forced its abandonment, for there was no military ardor in Spain, even for local service. Then an enumeration of the Moriscos was ordered which, in conjunction with events in Valencia, aroused much excitement. Appeals to the court were unanswered, while orders to the magistrates intended to quiet alarm only increased it. Many commenced to sell their lands, and this diminution of prospective confiscations was met, towards the end of October, by prohibiting sales, but they were continued under various devices.[1]

On November 3d, the Count of Salazar was appointed to superintend the expulsion from Old and New Castile, La Mancha and Extremadura. From their anxiety to sell their lands he assumed that they mostly would go voluntarily, and he suggested the granting of permission to emigrate. This was adopted, and a royal cédula of December 28th allowed them to leave Spain within thirty days, under the same conditions as those of Andalusia. Such multitudes arranged to pass through Biscay into France that the term was extended for thirty days and, on January 19, 1610, Salazar was sent to Burgos to register them and issue certificates. Under this arrangement 16,713 persons, of 3,972 families were registered up to May 1st, when intimations that further admissions to France would be refused, turned the stream to Cartagena, where 10,642 embarked, nominally for Christian lands, in order to retain their children.[2]

The prohibition to carry money or jewels was naturally evaded as far as possible and, for infractions of it, more than thirty were hanged at Burgos. There were also at hand obliging Portuguese brokers, who undertook the transmission of the forbidden valuables and who were detected and prosecuted. A safer conduit was found through the French ambassador at Madrid, who received very large sums, to be repaid in various French cities. His steward was despatched with the documents, but the Spanish authorities were on the alert; he was arrested at Buitrago and brought back to Madrid, whereupon the ambassador threatened that, if the letters were opened, thereafter no Spanish courier should pass through France without seizure of his papers. After an angry

[1] Danvila y Collado, p. 292.—Cabrera, Relaciones, pp. 386, 389, 390.—Bleda, Corónica, pp. 1036–7.

[2] Danvila y Collado, p. 310.—Boronat, II, 288–91.—Bleda, Corónica, p. 1051.—Cabrera, Relaciones, pp. 393, 396.

correspondence, the Spaniards yielded, and the steward was allowed to resume his journey.[1]

Aragon and Catalonia were next taken in hand. There had been much disquiet there, which the glozing assurances from the court failed to allay. The Old Christians began to maltreat the Moriscos, who ceased their labors and commenced to sell their movables, while their creditors and holders of censos became alarmed and proceeded to collect their claims with rigor. Envoys were sent to the king from Aragon with an elaborate memorial detailing the enormous damage to result from expulsion, and the impolicy of reducing the diminishing population of Spain. Philip made fruitless efforts to prevent the mission from coming, and when it came it was put off with reassuring generalities.[2]

The edicts for Aragon and Catalonia were the same as that for Valencia, except in two points. The Catalan one retained children under seven years of age, whose parents were going to infidel lands, which led them to make their way through France to Barbary. The other exception, induced by the expense of the Valencia expulsion, the cost of which had been swelled to eight hundred thousand ducats, threw upon the exiles all the charges, not only of the journeys and voyage, but the wages of the superintending officials and half a real per head as export duty on what they carried with them, all of which amounted to twenty-four reales at the Alfaques de Tortosa. The rich were required to pay for the poor, and the commissioners were unmerciful in their exactions, making them pay for the water in the brooks and the shade of the trees in their long summer journeys, besides exacting from them as wages much more than was due.[3]

The edicts were published simultaneously, in Saragossa and Barcelona, on May 29, 1610. No resistance was attempted, but there went up a cry of despair which moved even their persecutors to compassion; they protested that they were Christians and would die as such, even though torn to pieces, but it was too late for

[1] Tapía, Historia de la Civilizacion española, III, 272.—Cabrera, Relaciones, p. 402.—Bofarull y Broca, Historia de Cataluña, VII, 292 (Barcelona, 1878).—Watson's Philip III, Appendix B.

[2] Lanuza, II, 49.—Bleda, Corónica, p. 1045.—Danvila y Collado, p. 311.—Guadalajara y Xavierr, fol. 124–8.

[3] Janer, p. 280.—Boronat, II, 298, 301, 596.—Bledæ Defensio Fidei, pp. 602–6, 612–18.—Watson's Philip III, Appendix B.—Guadalajara y Xavierr, fol. 135–41.

this, and they were led submissively in bands of from one to four thousand souls, without guards, although they suffered severely from the brigandage of the Old Christians. This apathy of despair was most fortunate for Spain, as resistance would have been overcome with difficulty. The troops, debarked at the Alfaques de Tortosa, had not been paid since they left Italy; after vainly clamoring for their money, they disbanded, leaving none but the officers, who were fain to gather together such raw recruits as they could find. From Aragon the number of exiles was estimated at seventy-five thousand and from Catalonia at fifty thousand.[1]

France was inundated by the emigration. Henry IV had anticipated it and, in February, had issued an ordonnance permitting those who would profess the Catholic faith to settle in the lands beyond the Garonne and Dordogne, while shipping should be provided for those desiring to sail for Barbary.[2] Under this the immigration from Castile had been taken care of, but his assassination in May threw everything into confusion, and there was no preparation for the twenty or twenty-five thousand from Aragon, who passed through Navarre, or sought to make their way over the mountains. La Force, after some delay, arranged to admit them in bands of a thousand each, so as not to oppress the population of the sterile district through which they had to pass, and thus they struggled on towards Marseilles and other ports where they hoped to find shipping.[3]

There was one body, of some fourteen thousand souls, that was refused admission to France, after they had reached Canfranc, the last Spanish town on the mountain road over the Pyrenees. They had paid forty thousand ducats for permission to go to France, besides the export duties on what they carried, and the expense of the commissioners in charge of them. Forced to turn back on the long road to the Alfaques, so many of them sickened and died in the summer heat that it was feared that they would bring pestilence to the ships.[4] In short the story of the exodus from Aragon is one of heartless greed and reckless inhumanity.

The dangers which had weighed so heavily on Spanish states-

[1] Bleda, Corónica, pp. 1046–50.—Guadalajara y Xavierr, fol. 142.—Janer, p. 90.—Lanuza, II, 249.

[2] Mémoires de Richelieu, I, 88 (Paris, 1823).

[3] Mémoires de la Force, II, 8–12, 288–311.

[4] Cabrera, Relaciones, pp. 410, 413, 415, 418.

manship were thus removed, but fanaticism and race hatred were not yet satisfied, and it was resolved to root out all traces of the old Moorish population. An edict of July 10, 1610, banished all Moriscos of Granada, Valencia and Aragon, who were settled in the Castilian kingdoms, and this was followed, August 2d, by a similar provision for the kingdoms of Aragon. These edicts exempted those who had lived as good Christians, but this was a point difficult to establish, and the claims under it were multitudinous and embarrassing. To save the trouble of deciding them an end was put to the matter by banishing all who had thus far been exempted, including even the *Moriscos antiguos*, descendants of the old Mudéjares. This was effected by orders of March 22d and May 3, 1611, to the corregidores, stating that it was for the service of God and the kingdom that the matter be perfected, wherefore all who had previously been exempted and all who, after expulsion, had returned, were given two months to leave the kingdom, under the irrevocable penalty of death and confiscation, the only exceptions being priests, nuns and the wives of Old Christians with their children.[1]

This final rooting-out gave infinite trouble. There was often nothing to distinguish these Moriscos from Old Christians, in language, dress or mode of life, and there was no lack of persons to harbor them, whether from compassion or to have the benefit of their services. Commissioners were sent to the different provinces with instructions that no privileges or antiquity should avail them, while the courts were expressly prohibited from interference; it was added, indeed, that those who bore the reputation of Old Christians could appeal to the king, but his representatives soon grew tired of the multitude of perplexing cases thus thrust upon them. The number thus expelled was computed at about six thousand, exclusive of young children, who were given to Old Christians to bring up. The difficulty of effecting this final clearance was increased by the number of exiles who persisted in returning, in spite of an edict of September 12, 1612, which consigned them all to the galleys. The work seemed endless and finally it was confided to the Count of Salazar. In this he labored long and strenuously. At Almagro he found more than eight hundred returned exiles, of whom he consigned some to the galleys, others to the quicksilver mines of Almaden, and the rest he sent

[1] Janer, pp. 344, 345, 350.—Boronat, II, 293–4.—Bleda Corónica, pp. 1051–2; Defensio Fidei, pp. 524–5, 607–12.—Cabrera, Relaciones, p. 415.

abroad at the expense of the magistrates, who had been remiss in detecting and punishing them. His greatest trouble, we are told, lay in deciding the numerous suits of those who claimed that they were not comprised in the edicts and, to cut matters short, on October 26, 1613, he issued, in the name of the king, an edict commanding all Moriscos to leave the kingdom within fifteen days; any person receiving or harboring them was threatened with confiscation and, as he included in this fiefs, castles, vassals and royal grants, it shows that nobles were sheltering them. Finally a reward of ten ducats was offered for information leading to the capture of a Morisco.[1] In this insane determination to purify the land of all trace of Moorish blood, and in the confusion of the process, many Catholics as sincere as their persecutors must have been consigned to infidel lands.

The time came at last for the Moriscos of Murcia and the Val de Ricote to share the fate of their brethren. Influence had been exercised to procure the suspension of the edict of December 9, 1609, and of a subsequent one of October 8, 1611, but, after the work was completed elsewhere, the Duke of Lerma and the royal confessor, Fray Aliaga, sent investigators who of course reported them to be Christians only in name. Lerma insisted, Philip yielded, and a cédula of October 6, 1613, ordered Salazar to enforce the edicts. He was hurried from Madrid, November 20th, with instructions to lose no time and, in January 1614, some fifteen thousand were deported, although many old people and invalids were allowed to remain. Many women married Old Christians in order to obtain exemption, and numerous husbands and wives of honorable birth entered religion, to the great enrichment of the monasteries, for which the bishops and the superiors of the Orders cheerfully granted licence. Early in February, Salazar returned to Madrid with his work accomplished, although some had escaped to Valencia and had returned on being driven out from there. In 1615 Salazar reported that he had sent his assistant Manrique to Murcia to complete the expulsion, but there were still some Moriscos in Tarragona and the Balearic Isles, and he knew of others in Sardinia and the Canaries.[2]

[1] Cabrera, Relaciones, pp. 434, 437, 440, 522.—Bleda, Corónica, pp. 1044, 1057–8, 1060.—Janer, pp. 351, 355, 356, 357, 360.—Danvila y Collado, pp. 212, 213.

[2] Bleda, Corónica, pp. 1058–60.—Janer, pp. 361–66.—Cabrera, Relaciones, pp. 531, 546.—Danvila y Collado, pp. 314, 317.—Boronat, II, 285–7, 593.

For some years yet the effort was continued to discover and eject those who were concealed among the Old Christians—an effort complicated by the numbers who persisted in returning after experiencing the inhospitable reception accorded to them in Africa. They offered themselves as slaves to those who would receive them, and in this manner many succeeded in remaining. To prevent this, royal orders were repeatedly issued, but they were ineffective, and the Royal Council at length grew tired of reiterating them, so that Bleda, writing in 1618, deplores the fact that he would die without seeing his land purified of this evil seed. Total purification, in fact, was impossible. We are told that, in Valencia, La Mancha, and Granada, there are still communities which in dress, customs and tendencies may be regarded as Moriscos with scarce any trace of Christianity, and Padre Boronat ascribes to this element the growth of modern scepticism and the mingled fanaticism and superstition which afflict certain portions of Spain.[1]

However this may be, in so far as the Inquisition was concerned, the expulsion was a success. In such of its records as I have been able to examine, the *cosas de Moros* virtually disappeared, the exceptions being scarce more than enough to show that vigilance was unrelaxed. For awhile, it is true, there were Morisco slaves to be looked after. A letter of March 14, 1616, from the commissioner at Denia, asks for instructions concerning some baptized Morisco slaves, who had plotted to escape to Barbary, which shows how carefully they were watched.[2] Then the exiles who chanced to be captured in Moorish corsairs, or who were brought to Spain as slaves, or who were in the royal galleys, were subject to prosecution as apostates because they had been baptized, until, in 1629, the Suprema mercifully decreed that they should not be molested unless they gave occasion for scandal.[3] The scattering cases of Mahometanism, which figure in the autos de fe subsequent to the expulsion, are mostly of Christian renegades, captured at sea, or of Moorish slaves taken in the perpetual warfare of the Mediterranean, who were baptized under legislation of 1626, repeated in 1638 and 1712.[4] Occasionally, however, we hear of a Morisco, such as Gerónimo Buenaventura—probably one of the children

[1] Bleda, Corónica, pp. 1021-3.—V. de la Fuente, Hist. eccles. de España, III, 228.—Boronat, I, 197; II, 307.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 372.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 224.

[4] Autos acordados, Lib. VIII, Tit. ii, Autos 4, 6.

detained in 1609 or 1610—condemned to relaxation by the tribunal of Valencia, transferred in 1635 to Valladolid and, in 1638 to Saragossa, to be burnt for pertinacity.[1]

Yet, in spite of the sleepless vigilance of the Inquisition, there were descendants of the Old Moriscos who managed to preserve an organization for the perpetuation of their faith. In 1727 such a one was discovered in Granada, so numerous that it furnished forty-five reconciled in an auto of May 9, 1728, followed by twenty-eight more in that of October 10. They must have been wealthy, for the confiscations proved so profitable that the Inquisition granted to the chief informer and his heirs a perpetual pension of a hundred ducats.[2] Probably one of these Granadans, escaped to Jaen, was the Ana del Castillo, condemned in the Córdova auto of March 4, 1731, as a *herege Mahometana*, to reconciliation, confiscation and irremissible prison.[3] The latest allusions to these persistent Moriscos occurs in a report, in 1769, by the Inquisition to Carlos III, that it had verified the existence, in Cartagena, of a mosque maintained by New Christians.[4] Details are lacking but, if there were prosecutions and convictions, they may safely be assumed to be the last endured by Moriscos. In the complete record of the operations of all the tribunals from 1780 to 1820, there is not a single case of a Morisco and the only Mahometans are renegades.[5]

Contemporary estimates of the number of exiles vary from three hundred thousand to three millions, and the statistics furnished are too fragmentary to admit of accurate computation.[6] In modern times Llorente assumes a total of a million, while Janer estimates at the same figure the total Morisco population, of whom a hundred thousand perished or were enslaved, leaving nine hun-

[1] Archivo de Simancas, Inq., Lib. 552, fol. 22, 23.

[2] E. N. Adler, in Jewish Quarterly Review, XIII, 417.—Archivo de Simancas, Inq., Leg. 1479, fol. 2.

In Mr. Adler's paper, by a printer's error, the auto of Oct. 10th is attributed to Córdova May 15th.

[3] Matute y Luquin, p. 268.

[4] Danvila y Collado, p. 318.

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[6] Guadalajara y Xavierr, Expulsion, fol. 163; Historia Pontifical, V, 161.—Escolano, II, 1990.—Navarrete, Conservacion de Monarquías, p. 50.—Dávila, Vida y Hechos del Rey Felipe III, p. 151.—Von der Hammer y Leon, Felipe el Prudente, fol. 33.—Alfonsi Sanctii de Rebus Hispan. Anacephaleosis, p. 390.

dred thousand exiles. Vicente de la Fuente reduces the number to a hundred and twenty thousand, while Danvila y Collado, after a careful comparison of all official statistics,reaches an estimate of something under five hundred thousand souls, which Padre Boronat accepts.[1] This is probably somewhat under the mark. The nearest approach to a contemporary official statement is that of Sebastiano Gigli, the Lucchese envoy, August 12, 1610, placing the number at six hundred thousand. This he doubtless procured at head-quarters, for he adds that the ministers assured him that it was much greater than they had foreseen.[2] Considering how large had been the Mudéjar population and its notorious fecundity, these figures indicate how many had been Christianized and had merged into the general mass. One cannot help concluding that with time and reasonable treatment, there would have been no Morisco question to perplex the statesmen of Spain.

The fate of the exiles parallelled that of the Jews in 1492, and indeed was even worse, for they were banished more precipitately, and were absolutely forbidden to return even as Christians. They were thrust into the new and strange life before them under most unpromising conditions, intensified by the inhumanity of their reception in the homes which they sought. The transit to Africa in the royal ships was doubtless safe enough, but the masters of the vessels chartered by them had no scruple in robbing and murdering them, despite the regulations adopted for their safety. Many who sailed were never accounted for as arriving. It was not that the Spanish authorities were indifferent. Fonseca relates that in Barcelona, on December 12, 1609, he witnessed the execution of the captain and crew of a barque which had sailed with seventy Moriscos. Falling in with a Neapolitan felucca, the united crews conspired to kill the passengers and divide the booty, amounting to three thousand ducats. Under promise of pardon a dissatisfied sailor revealed the crime, when not only were the Spaniards punished but the Viceroy wrote to Naples with details that enabled the authorities there to seize and execute the crew of the felucca.[3]

In France, la Force no doubt did what he could to minimize the sufferings of the outcasts, but their hardships were such as to

[1] Llorente, Hist. crít., cap. XII, art. 1, n. 20.—Janer, p. 143.—V. de la Fuente III, 229.—Danvila y Collado, pp. 337–40.—Boronat, II, 307.

[2] Pellegrini, Relazioni di Ambasciatori Lucchesi, p. 32 (Lucca, 1903).

[3] Fonseca, pp. 222–6.

call forth energetic remonstrances from Ambassador Salignac and from Ahmed I himself. Cardinal Richelieu tells us that some of the officials commissioned to superintend their passage were guilty of much thievery and even permitted murder, but they were punished with such severity that the outrages ceased.[1] France, however, was only a place of transit. Some who passed through sought refuge in Italy, where their reception was not hospitable. In 1610 and 1611 the Holy See refused to allow those arriving at Civita Vecchia to remain but, in 1612, some seventy, who reached Recanati and asked to be allowed to live as Christians, were permitted to settle at a distance from the coast, broken up into small parties and under close surveillance.[2]

Barbary, however, was the destination of the vast majority of the exiles, whether direct from Spain or by way of France, and their reception by their fellow religionists was terrible. They were landed at Oran, whence they had to make their way to the Moorish states; they had the reputation of bringing money with them and, after the first embarkation had been safely convoyed by paying heavily for a guard, they were plundered and slain without mercy, and their women were taken from them. Even before the year 1609 was out, the Count of Aguilar, Governor-general of Oran, wrote that, through fear of the Arabs, many were remaining and were starving; twenty of their principal men had come to him, professing to be Christians, for they had not known what to believe until they had seen the abominations of the Moors, and now they desired to remain and die as Christians. In his perplexity, Aguilar threw them into prison and applied for instructions. What were given to him we know not, but there is doubtless truth in the statement of the Comendador de Nuestra Señora de las Mercedes of Oran that, what between disease and the atrocities of the Arabs, two-thirds of the exiles had perished. Indeed, the general estimate was that the proportion was at least three-quarters.[3]

These horrors are heightened by the fact that, in the vigorous determination to eradicate every vestige of Islam, and in the cruel haste of the process, many who were really Christians were cast

[1] Ambassade de Salignac, II, 389, 434.—Mémoires de Richelieu, I, 89.

[2] Decret. Sac. Congr. S. Officii, p. 435 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[3] Cabrera, Relaciones, pp. 391, 396.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 2.—Juan Ripol, Diálogo de Consuelo, fol. 20 (Pamplona, 1613)—Bleda, Corónica, p. 1021.—Escolano, II, 1988.

upon the tender mercies of the infidel. Discrimination was difficult and doubt was settled adversely. A typical case is furnished in a petition, November 26, 1609, of Gaspar Galip, a priest and vicar of the general hospital of Valencia, in favor of his two brothers-in-law, Francisco Castillo and Vicente de Alcázar. Galip himself was the son of a Morisco father and Old Christian mother; his sisters were Christians and so were their husbands and children, two in each family, the latter being even ignorant that they had Morisco blood. Yet Ribera was pitiless and both families were deported, doubtless to perish among unbelievers.[1] Escolano tells us that in Tunis some of the Castilians continued to hear mass and to live as Christians, and he prints a letter from a Valencian in Algiers expressing his determination to persevere in the faith.[2] If remorse were possible to those who believed that they were rendering a service to God, it might have been felt by the prime movers of the expulsion when they learned that in Tetuan, exiled Moriscos, firm in the faith, were lapidated or otherwise put to death, because they resolutely refused to enter the mosques.[3] These were true martyrs, and the Church might well have canonized them, in place of beatifying their persecutor Ribera.[4]

Among the arguments advanced in favor of expulsion was that the confiscation of Morisco property would bring permanent relief to the treasury and enable it to discharge the enormous and constantly increasing indebtedness. Undoubtedly the amounts realized from the rapacious seizure of the property of the exiles were large. Already, in October, 1610, the Council of Finance reported that, in Ocana and Madrid, it had mostly been sold, and that two hundred thousand ducats had been paid in.[5] Whatever was the magnitude of the receipts, they were quickly dissipated to the greedy courtiers who profited by Philip's reckless prodigality. Sir Francis Cottingham, the English Ambassador, in letters of March 4th and May 16, 1610, reports that commis-

[1] Boronat, II, 243–5.
[2] Escolano, II, 1992.
[3] Cabrera, Relaciones, p. 404.
[4] Escolano (II, 2001) attributes the slow fever which ended Ribera's life, in January 1611, to the execration aroused by the misery of the kingdom resulting from the expulsion, for which he was held responsible, and to the vexations endured in his unsparing endeavors to root out the remnants.
[5] Janer, p. 343.

sioners had been sent to the provinces to sell the houses and farms of the exiles, but the king did not propose to lighten the burdens of the state, for he was dividing the proceeds among his favorites in advance with scandalous liberality. To Lerma were assigned two hundred and fifty thousand ducats, to his son, the Duke of Uceda, a hundred thousand, to his daughter, the Countess of Lemos, fifty thousand and to her husband a hundred thousand.[1] We need not be surprised, therefore, to find Philip, in 1611, when appealing to the Córtes for relief, enumerating, among the reasons for his poverty, the expulsion of the Moriscos, in which he had postponed the interest of the treasury to the service of God and of the state.[2]

Thus, nine hundred years after the overthrow of the Gothic monarchy, Spain purified her land of the invader by a stroke which Cardinal Richelieu qualified as the boldest and most barbarous in human annals.[3] The yearning for unity of faith was gratified, and the anxiety as to attack from without was allayed. That the price paid was heavy is seen in the premature decrepitude which overtook the monarchy during the rest of the century. The causes of decadence were many, but not least among them must be reckoned the fierce intolerance which led to the expatriation of the most economically valuable classes of the population.

[1] Watson's Philip III, Appendix B.
[2] Cabrera, Relaciones, p. 458.
[3] Mémoires de Richelieu, I, 86.

CHAPTER III.

PROTESTANTISM.

THE fate of the little band of Spanish Protestants has, not unnaturally, excited the earnest sympathy of modern students. Much has been written about them; their works have been gathered and reprinted with pious care, and the importance of the reformatory movement has been largely exaggerated. There never was the slightest real danger that Protestantism could make such permanent impression on the profound and unreasoning religious convictions of Spain in the sixteenth century, as to cause disturbance in the body politic; and the excitement created in Valladolid and Seville, in 1558 and 1559, was a mere passing episode leaving no trace in popular beliefs. Yet, coming when it did, it exercised an enduring influence on the fortunes of the Inquisition, and on the development of the nation. At the moment, the career of the Holy Office might almost seem to be drawing to a close, for it had nearly succeeded in extirpating Judaism from Spain, while the influx of Portuguese New Christians had not commenced, and its operations against the Moriscos of Valencia were suspended. The panic, skilfully excited at the appearance of Lutheranism, raised it to new life and importance and gave it a claim on the gratitude of the State, which enabled it to dominate the land during the seventeenth century, while its audacious action against Carranza showed that no one was so high-placed as to be beyond its reach. It gained moreover a firmer financial basis than it had previously enjoyed, while, at the same time, Inquisitor-general Valdés was saved from banishment and disgrace. Yet more important even than all this was the dread inspired of heresy, which served as a reason for isolating Spain from the rest of Europe, excluding all foreign ideas, arresting the development of culture and of science, and prolonging medievalism into modern times. This was the true significance of the little Protestant movement and its repression, and it is this which deserves the attention of the student rather than the ghastly dramas of the autos de fe.

Before the Lutheran revolt there was much liberty of thought

and speech allowed throughout Catholic Europe. Neither Erasmus nor popular writers and preachers had scruple in ridiculing and holding up to detestation the superstitions of the people, the vices, the greed and the corruptions of the clergy, and the venality and oppression of the Holy See. The Franciscan, Thomas Murner, who subsequently became the most virulent reviler of Luther, castigated the clergy, both regular and secular, with more vigor if with less skill than Erasmus. Erasmus himself, in his *Enchiridion Militis Christiani*, or Manual of the Christian Soldier, did not hesitate to stigmatise, as a new Judaism, the reliance reposed on external observances, which had supplanted true piety, causing the teachings of Christ to be neglected—and the Enchiridion had been approved by Adrian VI, at that time the head of the University of Louvain.

When, however, it became necessary, in order to cure these universally admitted evils, to strike at the dogmas of scholastic theology, of which these evils were the outcome; when Northern Europe was rising almost unanimously in Luther's support, and when the curia recognized that it had to deal, not with a mere scholastic debate between monks, but with a rapidly developing revolution, the necessity was soon felt of a rigid definition of orthodoxy, while the licence which had been good-naturedly tolerated, so long as it did not threaten the loss of power and wealth, became heresy, to be diligently inquired into and relentlessly punished. Men who esteemed themselves good Catholics, and had no thought of withdrawing from obedience to the Holy See, found themselves accused of heresy and liable to its penalties. Prior to the definitions of the Council of Trent, there was a certain amount of debatable ground, within which no authoritative decision had as yet rendered the speculations of the schoolmen articles of faith. Erasmus, for instance, had not been called to account for asserting that sacramental confession was not of divine law but, as the conflict grew more desperate, and the Church found defence of its outworks to be requisite, it became heretical to question the divine origin of confession, even before the Council had made it *de fide*. We shall then find the chief sufferers from inquisitorial action divided into two classes. Before the middle of the century they largely consist of unconscious heretics—of men who, prior to the condemnation of Luther, would have been reckoned as undoubtedly orthodox. After 1550, with some exceptions, like Carranza, they were those who had knowingly and

consciously embraced more or less of the doctrines of the Reformation. Outside of these another, and by no means the least numerous class, can be defined of those who incurred more or less vehement suspicion of heresy through mere carelessness, in the constantly increasing rigor of external observance. It is doubtless to the first of these classes that we may refer the earliest victim of so-called Lutheranism whom I have found recorded —Gonsalvo the Painter of Monte Alegre in Murcia, a resident in Majorca, relaxed, in 1523, by that tribunal as a Lutheran. It is inconceivable that Lutheran errors could have penetrated at that time to Majorca, or that the inquisitor could have had any clear conception of what they were and, as Gonsalvo is described as a *negativo*, he doubtless considered himself a good Catholic and perished because he would not admit himself to be otherwise.[1]

It was not until 1521 that the curia was aroused to the necessity of preventing the dissemination in Spain of the new doctrines in the writings of Luther. The Nuncio Aleander, writing from Worms, February 18th of that year, mentioned that in Flanders Spanish versions of Luther's books were in press, through the efforts of the Marrani, and that Charles V had given orders to suppress them.[2] Acting promptly on this, Leo X, on March 21st, addressed briefs to the Constable and Admiral of Castile—the governors in Charles's absence—exhorting them to prevent the introduction of such works, and Cardinal Adrian lost no time in ordering, April 7th, the tribunals to seize all the obnoxious volumes that they could find, an order which he repeated May 7, 1523, together with instructions to the corregidors to enforce the surrender of the books to the inquisitors.[3] Very earnest letters were also written, April 12 and 13, 1521, to Charles V, by an assembly of grandees, and by the President and Council of State, urging him to adopt strong measures to prevent the spread of Lutheranism, which had been introduced into Spain and threatened to develop.[4]

[1] Archivo de Simancas, Inq., Lib. 595.—The next Lutheran relaxation in Majorca did not occur until 1645, and then it was the effigy of the fugitive Jan Anhelant, a Hollander.

[2] Balan, Monumenta Reform. Lutheranæ, p. 79 (Ratisbonæ, 1883).

[3] Llorente, Añales, II, 253.—Archivo de Simancas, Inq., Lib. 940, fol. 1.

[4] Bergenroth, Calendar of Spanish State Papers, Supplement, pp. 376, 384. See also Danvila, Historia de las Comunidades, III, 580–3 (Mem. hist. español, XXXVII).

These may be regarded as measures rather precautionary than called for by existing exigencies. So far as the records of the Inquisition have been searched there is no trace, for some years as yet, of prosecutions for Lutheranism, save the solitary case above referred to. With the return of Charles to Spain, in 1522, the influence of Erasmus seemed to promise a perpetuation of the freedom and even licence of speech, of which he was the protagonist. The emperor was his admirer and he became the fashion among courtiers and churchmen pretending to culture. The Inquisitor-general Manrique openly defended him, and so did the primate, Alfonso Fonseca, Archbishop of Toledo. His immense reputation, the immunity conferred on him by the patronage of successive popes against the vindictiveness of the religious Orders, provoked by his merciless ridicule, and the futility of condemnations by scholastic faculties, seemed a guarantee for those who merely echoed the opinions to which he had given currency so wide. So it continued until, in 1527, a translation of his Enchiridion was issued by Alonso Fernández de Madrid, Archdeacon of Alcor. It was dedicated to Archbishop Manrique, who had it duly examined and authorized its publication; its success was immediate, and it was universally read. From the standpoint of scholastic theology, however, it was too vulnerable not to invite attack from the religious Orders. The pulpits, which they virtually monopolized, resounded with their denunciations until Manrique felt obliged to interfere. Many prominent frailes were summoned before the Suprema and sharply reproved for exciting the people against Erasmus, in defiance of repeated edicts; if they found errors in the book, they should denounce them to the Inquisition. The challenge was promptly accepted and, with the assistance of the English Ambassador, Edward Lee, subsequently Archbishop of York, a list of twenty-one articles was drawn up, ranging from Arianism to irreverence towards the Virgin and the denial of various essentials of sacerdotalism. These were submitted to an assembly of twenty theologians and nine frailes, who disputed for a month over the first two articles; the debate promised to be interminable, and Manrique suspended it, at the same time issuing an absolute prohibition to write against Erasmus. As we have seen, however, he fell into disgrace in 1529 and was relegated to his see of Seville; Charles left Spain the same year, carrying with him some of the most powerful protectors of the Erasmists, and the inquisitors, who were largely

frailes, were eager to detect the heresy latent in the latitude of speech which had become common among those who prided themselves on culture.[1]

A typical case of this kind is that of Diego de Uceda, to which allusion has already been made on other accounts (*supra*, p. 68). He was an hidalgo of Córdova of unblemished Old Christian stock. Although a courtier, he was studious and deeply religious, even entertaining thoughts of entering the Geronimite Order. Greatly admiring Erasmus, the failure of the effort to condemn him by the Inquisition gave assurance that his works were approved, and Diego earned some reproof by constantly quoting his opinions and endeavoring to impress them on others. In February, 1528, he was journeying from Burgos to Córdova and, one evening at Corezo, he fell into discussion with a man named Rodrigo Duran who, with his servant, Juan de Avella, was on his way to Seville to embark for the West Indies. The talk fell upon confession and then upon images, in which Diego quoted the views of Erasmus; then upon miracles, when he expressed disbelief in a story of a Christian slave in Africa who prayed for deliverance to Our Lady of Guadalupe; his master overheard him, placed him in a chest, made his own bed on top and slept there, with the result that next morning the chest was in Guadalupe with the master inside and the Christian on top. Something also was said about Luther, whose name got mixed up with that of Erasmus. Duran, on reaching Toledo, denounced Diego to the tribunal, his serving-man furnishing the necessary *conteste*, and went on his way to the Indies. Diego was tracked to Córdova and was sent back as a prisoner to Toledo, where he vainly protested his orthodoxy and offered submission to the Church, although his frequent allusions to Erasmus probably did his case no good. He proved by witnesses that he habitually confessed four times a year, that he took all indulgences and that he was a man of blameless life and strong religious convictions, but it was all in vain. I have already shown how he was tortured, confessed and then revoked, and how he was condemned to a humiliating penance, July 22, 1529, ruining his career and leaving an indelible stain on a family that had boasted of its limpieza.[2]

[1] In my "Chapters from the Religious History of Spain" there will be found fuller details of this episode drawn, for the most part, from the excellent account given by Menéndez y Pelayo in his *Heterodoxos Españoles*, Vol. II.

[2] Archivo hist. nacional. Inq. de Toledo, Leg. 112, n. 74.

The danger impending over Erasmists is still more forcibly illustrated by the case of one who was regarded as perhaps the foremost among them in Spain. No man stood higher for learning and culture than Doctor Juan de Vergara. He had been secretary of Ximenes as Archbishop of Toledo, and subsequently to Fonseca, who succeeded to the primatial dignity in 1524. Ximenes had made him professor of Philosophy at Alcalá, where he translated the Wisdom of Solomon for the Complutensian Polyglot, and the treatises *de Anima*, *de Physica* and *de Metaphysica* for the projected edition of Aristotle. He was an elegant Latin poet, and Menéndez y Pelayo tells us that he was the father of historical criticism. He was regarded with favor by Manrique and was a warm defender of Erasmus in the contest over the Enchiridion.[1] We shall have occasion hereafter to treat of the adventures of the *alumbrada* Francisca Hernández and the men whom she entangled in her toils; among them was Bernardino de Tovar, also an Erasmist, half-brother of Vergara, who incurred her enmity by rescuing him from her clutches. To revenge herself, when on trial in 1530, she accused Vergara of holding all of Luther's doctrines, except as to confession, and of possessing some of Luther's works—the latter accusation being true, but when, in 1530, Manrique ordered the surrender of all such books, Vergara, after some delay, carried them to the tribunal. Another of Francisca's disciples, Fray Francisco Ortiz, when on trial, also accused Vergara of denying the efficacy of indulgences and abusing the University of Paris for condemning the writings of Erasmus, in which, he said, the Church had found no heretical errors. The tribunal collected some other evidence against Vergara and industriously searched for more, even as far as Flanders. In May, 1533, a willing witness was found in Diego Hernández, a buffoon of a priest, whom María Cazalla had employed as confessor until she dismissed him for seducing a nun and asserting that it was no sin. This worthy produced a list of seventy Lutheran heretics, qualified according to their degrees of guilt, among whom Vergara figured as *fino lutherano endiosado* (mystically abstracted). Whatever hesitation there may have been in arresting such a man, however, disappeared when it was found, in April, 1533, that he had been communicating with Tovar in prison, by bribing the officials. The fiscal presented his clamosa, May 17th, accusing

[1] Nic. Anton. Bibl. Nova, s. v.—Heterodoxos españoles, II, 63.

Vergara of being a fautor and defender of heretics, a defamer of the Inquisition and a corrupter of its officials, and his arrest and imprisonment followed on June 24th.

This occasioned general surprise. Archbishop Fonseca was deeply moved and endeavored to obtain his release under bail for fifty thousand ducats, or to have him confined in a house under guard, but the only result of his efforts was to lead the tribunal to shut up the windows of Vergara's cell, converting it into a dungeon and seriously affecting his health. The trial proceeded through the regular stages. He refused the services of an advocate and, on January 29, 1534, he presented his defence, denying nearly all the errors attributed to him and explaining the rest in a Catholic sense. After this a fresh accusation was presented based on his friendship for and correspondence with Erasmus, to whom he had induced Archbishop Fonseca to grant a pension. Fonseca had died, February 24th, so that his evidence was unattainable, but Vergara pronounced the story as to the pension to be false, though had it been true it would have been innocent. Everyone knew that Erasmus had neither income nor benefice, never having been willing to accept either, and that he was supported by the liberality of gentlemen who contributed to him from all parts. Fonseca had only offered him an income if he would come to reside at Alcalá, an offer which Ximenes had previously made. It was true that, when Erasmus dedicated to him his edition of St. Augustin, Fonseca sent him two hundred ducats, scarce enough, in the case of so large a work, to give the printers their customary *pour-boire*. Fonseca felt this, and, when he heard of the death of Archbishop Warham of Canterbury († 1532), who was accustomed to provide liberally for Erasmus, he said that he ought to pay for the printing of the book, whereupon Vergara wrote that he would send something, but it was not done. As for corresponding with Erasmus, popes and kings and the emperor himself were gratified to have letters from him and, in the printed collections of his epistles, were to be found his answers to Vergara, showing that the latter had urged him to write in confutation of Luther.

The day after this defence was presented, there came the most serious evidence as yet offered against him. This was from another distinguished Erasmist, then on trial, Alonso de Virués, who testified that, four years before, in a discussion whether the sacrament worked *ex opere operato*, Vergara ridiculed it as a fantastic opinion,

and further, that he did not hold as he should, certain pious and Catholic doctrines. It is true that the Council of Trent had not yet pronounced, as it did in 1547 (Sess. VII, De Sacramentis, can. viii) the self-operation of the sacrament to be *de fide*, but the doctrine was coeval with the development of the sacramental theory in the twelfth century and was indispensable in vindication of its validity in polluted hands against the Donatist heresy. To deny it, even in disputation, could not fail to prejudice Vergara's case, which dragged on, in spite of the efforts of his friends, and even of the empress, to expedite it. At length, on December 21, 1535, he was sentenced to appear as a penitent in an auto de fe, to abjure *de vehementi*, to be recluded in a monastery for a year irremissibly, and to pay a fine of fifteen hundred ducats. In three months, however, Manrique charitably transferred him to the cathedral cloister and, on February 27, 1537, his confinement came to an end.[1] He incurred no disabilities; his reputation seems not to have suffered, for he retained his Toledo canonry and, as we have seen, he incurred, in 1547, the displeasure of Archbishop Silicio by opposing the statute of limpieza.

Virués was a similar victim to the revulsion against Erasmus. He was Benedictine Abbot of San Zoilo, a learned orientalist and the favorite preacher of Charles V, who had carried him to Germany. Envy of his favor at court caused his denunciation; isolated passages in his sermons were cited against him, and he was thrown in prison in 1533. His incarceration lasted for four years, in spite of Charles's efforts for his liberation; it was in vain that he pleaded that, some fourteen years before, Erasmus had been regarded as orthodox, and that he adduced the arguments which he had used against Melanchthon in the Diet of Ratisbon. In 1537, he was declared to be suspect of Lutheranism, he was required to abjure and was recluded in a convent for two years, with suspension from preaching for two more. Charles was so much interested in him that, notwithstanding his strenuous objection to papal interference, he procured from Paul III a brief of May 29, 1538, by which the sentence was set aside and Virués was declared capable of any preferment, even episcopal. When

[1] Don Manuel Serrano y Sanz has given a full analysis of this case, from the documents, in the *Revista de Archivos*, Dic. 1901, Enero y Junio, 1902.

Juan de Sarvia, Bishop of Canaries, died in 1542, Virués was appointed his successor and died in 1545.[1]

Contemporary with these cases was that of Pedro de Lerma, a member of one of the leading families of Burgos. He was a canon of the Cathedral and Abbot of Alcalá, renowned as a preacher and a man of the highest consideration. He had spent fifty years in the University of Paris, where the Sorbonne made him dean of its faculty. Happening to read some of the works of Erasmus, he was so impressed that they influenced his sermons. He was denounced to the Inquisition, which imprisoned him and, after a long trial he was required, in 1537, to recant eleven propositions publicly in all the towns where he had preached, confessing that he had taught them at the instigation of the devil to propagate error in the Church. He was so humiliated that he abandoned Spain for Paris, where he was warmly received as dean of the faculty, and where he died in 1541. The people of Burgos, we are told, who had regarded him with the greatest reverence, were so impressed by this that those who had sent their sons abroad to study at once recalled them.[2]

This atmosphere of all-pervading suspicion, and this exaggerated sensitiveness to possible error, exposed everyone to prosecution for the most innocently unguarded remark. Miguel Mezquita, a gentleman of Formiche (Teruel) appeared January 19, 1536, before the Valencia tribunal in obedience to a citation and, under the usual formula of being told to search his conscience, he intuitively recurred to Erasmus and related a talk which he had, some five or six years previous, with a Dominican, in which he had defended the Enchiridion on the ground that it had been subjected to examination without being condemned. This however proved not to be the cause of his summons, for Pedro Forrer, a priest of Teruel, had denounced him as having said that Luther preached the gospel and was therefore called an evangelist, while the followers of the pope were called papists, and that Luther was right in maintaining that Scripture did not say that Christ gave power to St. Peter, but to all the apostles. Mezquita explained that he had been several times to Italy and had been sent to

[1] Menéndez y Pelayo, II, 94.—Llorente, Hist. crít., cap. XIV, art. ii, n. 4–12. Virués must have taken possession of his see, for he is said to have died at Telde, a village near Las Palmas, the capital of the Grand Canary.—Murga, Constituciones Sinodales del Obispado de la Gran Canaria, fol. 320 (Madrid, 1634).

[2] Mémoires de Francisco de Enzinas, Ed. Campan, II, 158–70 (Bruxelles, 1862).

Flanders; the priest had asked him what was said about Luther, and he had merely gratified his curiosity by repeating what he had heard abroad in common talk. He earnestly implored to be released, for he had eight children, four of them studying in Salamanca and, when suddenly carried off from home, he had left but six sueldos in his house. Fortunately for him, the inquisitors were not unreasonable and, on January 29th, he was allowed to return to his family, but the case remained on the records to be brought up against him should any malevolent neighbor see fit to distort some careless utterance.[1]

Mysticism and illuminism, which, about this time, commenced their development in Spain, furnished another source of accusations of Lutheranism, due to their common tendency to cast aside the observances of sacerdotalism and to bring the sinner into direct relations with God, but this field of inquisitorial activity demands separate consideration. Meanwhile the above cases will probably suffice to indicate the way in which Catholics, who had no thought of wandering from the faith, fell under suspicion of partaking in the new heresies and were consequently subjected to persecution more or less distressing. It would scarce be worth while to follow in detail the long succession of those who had similar experience. The case of Carranza has already been discussed. Fray Juan de Regla, confessor of Charles V at San Yuste, and one of the witnesses against Carranza, was imprisoned by the Saragossa tribunal and was required to abjure eighteen propositions. Fray Francisco de Villalba, who preached the funeral sermon of Charles V, was denounced for Lutheranism and was saved only by the protection of Philip II. Miguel de Medina, one of the theologians of the Council of Trent, was so orthodox that, in his *Disputatio de Indulgentiis*, he ascribes to indulgences a virtue so great that without them Christianity would be a failure, yet this did not prevent his prosecution for defending certain propositions thought to savor of Lutheranism and, after four years' detention, he died in prison with his trial unfinished.[2]

All these were cases of good Catholics, whose prosecution is

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[2] Llorente, Hist. crít. cap. XVIII, art. ii, n. 8; cap. XXIX, art. ii, n. 8, 9, 10.—Mig. Medinæ Disput. de Indulg., cap. XLVIII.

We find Miguel de Medina, in 1570, acting as consultor in the trial at Toledo of Dr. Sigismondo Arquer for Lutheranism.—Schäfer, Beiträge zur Geschichte des spanischen Protestantismus, II, 228 (Gütersloh, 1902).

attributable to a hyperæsthesia of orthodoxy. As regards the real Protestantism, there was necessarily a double duty, one with respect to its literature and the other to its professors. The former will be discussed in the next chapter and it suffices here to point out that although there was as yet no organized censorship of the press, the possession or reading of any of Luther's books was forbidden, under pain of excommunication, in 1520, by Leo X, in the bull *Exsurge Domine*, and this was extended to the works of all his followers in the recension of the bull *in Cœna Domini* by Adrian VI.[1] We have seen the flurry produced, in 1521, by the dread of the introduction of this literature into Spain, and it would appear that there was a demand for it, or that the German heretics were endeavoring to create one for, in 1524, we hear that a ship from Holland for Valencia, captured by the French and recaptured, was brought into San Sebastian, when two casks of Lutheran books were found in her cargo, which were publicly burnt. Some eight months later, three Venetian galeasses brought large quantities of similar books to a port in Granada, where the corregidor seized and burnt them and imprisoned the captains and crews.[2] As yet, however, there seems to have been no definite penalty, save the papal censures, for possessing this forbidden literature. We have seen Juan de Vergara simply surrendering what he had; in 1527 we chance to find a commission, issued by the Suprema, to absolve a fraile from the excommunication thus incurred and, in 1528, a similar one for the benefit of the Licenciado Fray Diego de Astudillo.[3]

As regards heretics in person, the relations of Spain with the Netherlands and Germany, at this period, were too intimate for it to escape their intrusion. The earliest case I have met occurred in 1524, when a German named Blay Esteve was condemned by the tribunal of Valencia.[4] Again the same tribunal, in 1528, tried Cornelis, a painter of Ghent, for saying that Luther was not a heretic and for denying the existence of purgatory, the utility of masses, confession etc. He had not the spirit of martyrdom but pleaded intoxication and that he had abandoned in Spain the errors which he had entertained in Flanders; he was sentenced to reconciliation and perpetual prison and, in the papers of the

[1] Bullar. Roman. I, 613.—Reusch, Der Index der verbotenen Bücher, I, 72.
[2] Menéndez y Pelayo, II, 315–16.
[3] Archivo de Simancas, Inq., Lib. 76, fol. 27; Lib. 940, fol. 2.
[4] Boronat, I, 174.

trial, there is an allusion to the prosecution of Jacob Torres, apparently another Lutheran. Valencia, in 1529, had another case in the person of Melchor de Württemberg, who came there by way of Naples. He preached in the streets, saying that he had searched the world in vain for a true follower of Christ, and he predicted that in three years the world would be drowned in blood. He was probably an Anabaptist and, when on trial, he admitted that he had visited Martin Luther to learn whether the Lutheran sect possessed the truth. The tribunal referred the case to the Suprema, which replied that, if he held any Lutheran errors, justice should be done; if not, the case was trifling and a hundred lashes would suffice. The papers are imperfect and we can only gather that he denied Lutheranism and escaped with the scourging.[1]

Cases of this kind were doubtless occurring in the various tribunals, but it was some time as yet before systematic action was taken by the Inquisition. Clement VII addressed a brief, May 8, 1526, to the Observantine Franciscans, empowering them to receive all Lutherans desiring to return to the Church, who were to be reincorporated on accepting salutary penance, and to be absolved and relieved from all the penalties decreed by Leo X and by others.[2] This was evidently designed for temporary effect in Germany and, although sent to Spain, it was too subversive of the exclusive jurisdiction of the Inquisition to be observed there. The earliest action of the Suprema to protect Spain from the dissemination of the new heresies would seem to be a letter, in 1527, to the provisor of Lugo and to the Dominican provincial and Franciscan guardian there, about the heretics arriving at the Galician ports, and ordering them to enquire after Lutheran books, which they were required to seize.[3] Coruña was one of the chief ports of commerce with the northern seas, thus calling for special watchfulness, and, though a tribunal had recently been provided for Galicia, apparently on this account, it seems not to have been in working order. Still the heretics continued to come, and the Suprema issued, April 27, 1531, a *carta acordada* instructing the tribunals to publish special Edicts of Faith requiring the denunciation of persons suspected of holding Lutheran opinions.[4] Appar-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 30, n. 10; Leg. 31.
[2] Bulario de la Orden de Santiago, Lib. 1 de copias, fol. 97.
[3] Archivo de Simancas, Inq., Lib. 940, fol. 2.
[4] Ibidem, Lib. 76, fol. 401.

ently the time had arrived when some definite position with regard to the growing danger had to be taken; there seems to have been doubt felt as to the authority of the Inquisition to deal with it, and as to the policy to be observed towards these heretics, for a brief was procured, July 15th of the same year, from Clement VII empowering Manrique and his deputies to proceed against the followers of Martin Luther, their fautors and defenders, and a clause to this effect continued subsequently to be included in the commissions of the inquisitor-general. The brief moreover extended Manrique's personal jurisdiction, for this heresy, over archbishops and bishops, although these were not to be arrested and imprisoned; impenitents were to be relaxed, in accordance with the canons, while those who sought reconciliation were to be admitted, with due punishment, and could even be dispensed for irregularity and be relieved of all disabilities and note of infamy.[1] There was evidently as yet a disposition to treat these new heretics with special tenderness.

For some time as yet the labors of the Inquisition, in the suppression of Lutheranism, were confined to foreigners, the most conspicuous of whom was Hugo de Celso, a learned Burgundian doctor of both laws and author of a serviceable *Reportorio de las Leyes*, which saw the light at Valladolid in 1538 and again at Alcalá in 1540. In 1532 he seems to have been prosecuted without conviction at Toledo, but fell again under suspicion and was finally burnt in 1551.[2] It is true that Queen Mary of Hungary, sister of Charles V, did not escape suspicion,[3] but the earliest undoubted heretic recorded of Spanish blood would seem to be Francisco de San Roman of Burgos. Engaged, while still a young man, in business in the Netherlands, his affairs took him to Bremen, where he was converted and became so ardent a proselyte that, after various adventures, he undertook to convert Charles V at Ratisbon. Persisting in the attempt, he was sent in chains to Spain and, as he refused to recant, there was nothing to do with him save to give him the fiery death that he courted—the first of the few Spanish martyrs to Protestantism. Carranza attended him at the stake and urged him to submit to the Church, but the ferocious crowd pierced him with their swords—a not

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 98.—See Appendix.

[2] Catálogo de las causas seguidas en el Tribunal de Toledo, p. 113 (Madrid, 1903).

[3] Laemmer, Monumenta Vaticana Sæc. XVI, p. 244 (Friborgi, 1861).

infrequent occurrence at the autos de fe. We have no dates, but an allusion to Charles's expedition to Tunis would seem to place his career about 1540.[1]

Nearly at the same time there appeared another, who was classed as a Lutheran, although he seems to have worked out his heresies independently. All that we know of Rodrigo de Valero rests on the unreliable testimony of González de Montes, who describes him as a wealthy youth of Lebrija, near Seville, suddenly converted from the vanities of the world to an assiduous study of Scripture and the conviction that he was a new apostle of Christ. His special heresies are not recorded, but they led to his trial by the Seville tribunal, which confiscated his property and discharged him as insane. He continued his apostolate and, on a second trial, he was condemned to perpetual prison and sanbenito. Here, in the obligatory Sunday attendance at mass, he contradicted the priest until, to silence him, he was recluded in a convent at San Lucar de Barrameda, where he lay until his death.[2]

Valero was not without importance, for he was the perverter of Juan Gil, or Doctor Egidio, the founder of the little Protestant community of Seville which came, as we shall see, to an untimely end. Egidio was magistral canon of the cathedral and a man of the highest consideration for learning and eloquence; indeed, he was nominated by Charles V to the see of Tortosa, which was vacant from 1548 to 1553. On his post-mortem trial, in 1559, evidence showed that, as early as 1542, he had preached to the nuns of Santa Clara on the uselessness of external works, denying the suffrages of the saints, and stigmatizing image-worship as idolatry.[3] A letter of Charles to Valdés, from Brussels, January 25, 1550, shows that Egidio was then on trial in Seville; Charles ordered Valdés to investigate the case personally in Seville and

[1] Mémoires de Francisco de Enzinas, II, 172–216.—Schäfer, III, 9, 738.

Francisco de Enzinas, or Dryander, does not come within our horizon, as he left Spain before he became a Protestant and, as he never returned, the Spanish Inquisition had nothing to do with him. His curious Latin memoirs, with a contemporary French translation, have been published by the Société de l'Histoire de Belgique (Bruxelles, 1862–3). A German version, by Hedwig Böhmer, appeared at Bonn, in 1893. Eduard Böhmer, with his customary exhaustiveness, has collected everything that can be gleaned about him, in his *Bibliotheca Wiffeniana*, I, 133 sqq.

[2] Reginaldi Gonsalvii Montani S. Inquisit. hispan. Artes aliquot detectæ, pp. 159–64 (Heidelbergæ, 1567).

[3] Schäfer, II, 378 sqq.

consult him before concluding it, all of which must be done speedily for that church (Tortosa) must be provided with a prelate.[1]

Charles's solicitude shows that the matter was regarded as important. Egidio, in fact, was the centre of a little band of Lutherans whom the Inquisition was eagerly tracking. The Suprema wrote, July 30, 1550, to Valdés at Seville, urging him to expedite the case, and adding that it had written to Charles about the arrest of those in Paris and Flanders implicated with Dr. Egidio, and about Dr. Zapata who had delivered Lutheran books to Antonio de Guzman.[2] Yet when Egidio's trial ended, August 21, 1552, he was treated with singular moderation. He was obliged publicly to abjure as heretical ten propositions which he admitted to have uttered, subjecting himself to the penalty of relapse for reincidence. Eight more propositions he recanted as false and erroneous, and seven he explained in a Catholic sense—all of these being more or less Lutheran. He was sentenced to a year's confinement in the castle of Triana and never to leave Spain; for a year after release he was not to celebrate mass and for ten years he was suspended from preaching, confessing and partaking in disputations.[3] Death in 1556 saved him from a harsher fate, although, as we shall see, his bones were exhumed and burnt in 1560.

The mildness of the Inquisition shows that thus far there was no alarm to stimulate severity, nor was there any cause for it. We hear a good deal of the missionary efforts of the German or other heretics, but up to this time there is slender trace of such work. The only indication—and that a very dubious one—that I have met of such attempts, is the case of Gabriel de Narbonne, before the Valencia tribunal in 1537. He was a Frenchman, who had learned heresy during four years spent in Germany and Switzerland. As a wandering mendicant in Spain, he spoke freely of his beliefs to all whom he met. When arrested, he confessed fully to all the leading tenets of Lutheranism and begged mercy; after a year's confinement, under threat of torture, he stated that he had been sent by the Swiss heretics to Spain as a missionary; there were three others, one named Beltran, who was

[1] Archivo de Simancas, Inq. de Barcelona, Córtes, Leg. 17, fol. 83.—See Appendix.

[2] Ibidem, Inq., Lib. 79, fol. 98.

[3] Schäfer, II, 342–53. The account of Dr. Egidio by Llorente (Hist. crít., cap. XVIII, art. i, n. 8–20), borrowed from González de Montes, is shown by Schäfer to be wholly incorrect.

likewise in Spain, one was destined to Venice and the other to Savoy. He had wandered, he said, on foot for two years through the whole Peninsula, from Catalonia and Navarre to Lisbon, disseminating his heresies wherever he could find a listener, especially among the clergy. Had the tribunal believed his story, he would have been sharply tortured to discover his converts; as it was, he was merely reconciled with irremissible prison, while his nephew, another Gabriel de Narbonne, who spontaneously denounced himself as having been perverted by his uncle, was reconciled with spiritual penance and forbidden to leave the kingdom.[1]

It would seem as though the Holy See were desirous to arouse the Spanish Inquisition to a sense of its inertness in combating these dangerous innovations for, in 1551, Julius III sent to Inquisitor-general Valdés a brief empowering him to punish Lutheranism irrespective of the station of the offender—a wholly superfluous grant, for he already possessed by his commission all requisite faculties, except as regards bishops, and the case of Carranza shows that they were not included in the brief.[2] If the object was to stimulate, it failed, for the cases of Lutheranism continued for some time to be few and mostly of foreigners. The year 1558 may be taken as a turning-point in the history of Spanish Protestantism and up to that time the industrious researches of Dr. Ernst Schäfer, into the records of all the tribunals, have only resulted in finding an aggregate of a hundred and five cases, of which thirty-nine are of natives and sixty-six of foreigners.[3] Of course, in the chaos of archives, no such statistics can be regarded as complete, but, on the other hand, the tribunals were in the habit of classing as "Lutheranism" any deviation, even in a minor degree, from dogma or observance, or any careless speech, such as those of which we have had examples above. As a whole,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 375.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 88.

[3] Schäfer, II, 1–271, 342, 352. The statistics are as follows:—

	Natives.	Foreigners.		Natives.	Foreigners.
Barcelona	—	8	Granada	—	3
Logroño	18	30	Llerena	1	—
Valencia	—	2	Toledo	8	14
Saragossa	5	6	Seville	2	—
Cuenca	5	3			

There are none reported from Córdova, Murcia, Santiago or Majorca prior to 1558.

the figures are significant of the slender impression thus far made on Spanish thought by the intense religious excitement beyond the Pyrenees. A few individuals—mostly those who had been abroad—are all that can be regarded as really infected with the new doctrines. Thus far there had been nothing of organization, of little associations or conventicles, in which those of common faith assembled for worship, for mutual encouragement or for planning measures to disseminate their belief, but something of the kind was beginning to develop in Seville, where the teachings of Rodrigo de Valero and Dr. Egidio gradually spread through a widening circle. After Egidio's death, in 1556, the leading figure was Doctor Constantino Ponce de la Fuente, who was elected by the chapter to the vacant magistral canonry, and who was a man of the highest consideration, having served Charles V in Flanders as confessor and chaplain. Another important personage was Maestro García Arias, known as Doctor Blanco, prior of the Geronimite house of San Isidro, all the brethren of which became converts, as well as some of the inmates of the Geronimite nunnery of Santa Paula. An influential beneficiary of the church of San Vicente named Francisco de Zafra also joined the group which, although largely composed of clerics, secular and regular, contained many laymen. We hear of two rag-pickers, Francisco and Antonio de Cardenas, while there was also a noble of the highest rank, Don Juan Ponce de Leon, of the great house of the Dukes of Arcos. Every class of society was represented in the little band, which numbered altogether over a hundred and twenty, besides Doctor Juan Pérez de Pineda and Julian Hernández, who had sought safety in flight, probably about the time of the arrest of Dr. Egidio.[1]

In 1557, from some cause, suspicion was aroused and the tribunal commenced a secret investigation, which seems to have reached the ears of some of the inculpated, and eleven of the Geronimites of San Isidro sought safety in flight, among whom were two who became noteworthy—Cipriano de Valera and Cassiodoro de Reina.[2] This increased the suspicion and certain writings of Doctor Constantino were subjected to examination; they had

[1] Schäfer, I, 348–66.—Böhmer, Bibliotheca Wiffeniana, Vol. II.

[2] Cipriano de Valera was the author of *Los dos Tratados del Papa y de la Misa*, of which two editions appeared in London, in 1588 and 1599, reprinted by the pious care of Usoz y Rio, in 1851, as Volume VI of his *Reformistas antiguos españoles*. Of this work there have been two English translations, one by John Golburne in 1600, and the other by J. Savage in 1704. Two other tracts by

passed current without animadversion for ten years, but, in 1557, a carta acordada addressed to all the tribunals called attention to them, followed, January 2, 1558, by a list of books to be burnt, to which were added three of his to be seized but not burnt.[1] Finally the tribunal was able to obtain positive evidence against individuals. Juan Pérez, in the refuge of Geneva, had been busy in preparing propagandist works.[2] To convey them into Spain

Valera, *Tratado para confirmar en la Fe Christiana* and *Aviso sobre Jubileos*, are in Vol. VIII of the *Reformistas*. His largest work was a translation of the great *Institutio* of Calvin, reproduced as Vol. XIV of the *Reformistas*.

Cassiodoro de Reina became the head of Protestant churches, Spanish and French, in London, Antwerp and Frankfort. His chief work was the translation of the Bible into Castilian—a version passing under the name of Cipriano de Valera, who issued a revised edition. Printed in modern times by the Bible Society, it has a circulation throughout Spanish-speaking lands vastly greater than the author could have anticipated three hundred years ago.—Böhmer, *op. cit.*, II, 165.

[1] Archivo de Simancas, Inq., Lib. 940, fol. 3; Lib. 79, fol. 146.—The three books condemned were *Exposicio del Psalmo Beatus vir*, Sevilla, 1546, 1551; *Cathecismo cristiano*, Anvers, 1546, Seville, 1547, and *Confesion de un pecador delante de Jesucristo*, impr. sin author por Jullio, 1547. These are all in the Valdés Index of 1559, together with two others of his—*Suma de doctrina cristiana* and *Dialogo de doctrina cristiana*.—Reuch, Die Indices des XVI Jahrhunderts, p. 232.

[2] Juan Pérez was held in much honor by Calvin and, as the little company of refugees increased, he formed them into a congregation of which he was pastor. In 1562 he went to France and took charge of a church at Blois, becoming subsequently chaplain to Renée de France, the widowed Duchess of Ferrara, whose Huguenot tendencies are well known. In 1567 he died in Paris, leaving his little accumulations for the good work of printing books in furtherance of the faith. In 1556 he issued a Castilian New Testament; in 1557, a prose translation of the Psalms, and these were followed by a number of other works.—Böhmer, *op. cit.*, II, 57.

Several of his writings were included by Usoz y Rios in the *Reformistas*, viz.: *Epistola consolatoria*, in Vol. II; *Carta á Felipe* II, in Vol. III; *Breve Tratado de la Doctrina antigua de Dios*, in Vol. VII; *Suplicacion al Rey Don Philipe*, in Vol. XII; *Breve Sumario de Indulgentiis*, in Vol. XVIII.

There was also by him a Catechism—*Sumario breve de la doctrina Christiana*, printed in 1556 by Crespin in Geneva, though with the imprint of Pietro Daniel of Venice, with approbation of the Spanish Inquisition (Böhmer, II, 86). The rigor with which it was suppressed is illustrated in the trial at Toledo, in 1561, of Mossen Juan Fesque, a French priest, simply for possessing a copy, which he had accidentally bought without knowing what it was and had shown to a bookseller for information. He was tortured with great severity, without eliciting anything more and, as there was nothing else against him, he was discharged. In the course of the trial allusion was made to two other persons, Antonio Martel and Jacobo Sobalti, who had been burnt by the tribunal for possessing the Catechism.—MSS. of Library of Univ. of Halle, Yc, 20, Tom. III.

was a perilous task, but it was undertaken by Julian Hernández, who had spent some years in Paris, had then wandered to Scotland and Germany, and had become a deacon in the Walloon church of Frankfort. The story that he reached Seville with two large casks of Pérez's Testament, Psalms and Catechism is probably an exaggeration, but he brought a supply of them, reaching Seville in July, 1557. The books were deposited outside the walls and were smuggled in at night, or were brought in by Don Juan Ponce de Leon in his saddlebags. Julian made a fatal blunder with a letter and a copy of the *Imajen del Antichristo*, addressed to a priest, which he delivered to one of the same name who was a good Catholic. When the latter saw as the frontispiece the pope kneeling to Satan, and read that good works were useless, he hastened with the dangerous matter to the Inquisition which made good use of the clue thus furnished. Don Juan promptly fled to Ecija and Julian to the Sierra Morena, but they were tracked and brought back on October 7th. Other arrests speedily followed and the prisons began to fill.[1] With its customary unwearied patience, the tribunal traced out all the ramifications of the heretical conventicle, arresting one after another as denunciations of accomplices were obtained from prisoners. Dr. Constantino and his friend Dr. Blanco were not seized until August, 1558, and the first auto de fe was not celebrated until September 24, 1559.

Meanwhile, almost simultaneously, a similar association of Protestants had been discovered at Valladolid, then the residence of the court. An Italian gentleman, Don Carlos de Seso, said to be the son of the Bishop of Piacenza, had been converted about 1550, apparently by the writings of Juan de Valdés. He came to Spain, bringing with him heretical books and ardently desiring to spread the reformed faith. He settled first in Logroño, where he made some converts, and then, through the influence of his wife, Isabel de Castilla, of royal blood and highly esteemed, he was appointed corregidor of Toro, about 1554. There he converted the Bachiller Antonio de Herrezuelo and his wife, Leonor de Cisneros, Doña Ana Enríquez, daughter of Elvira, Marchioness of Alcañizes, Juan de Ulloa Pereira, Comendador of San Juan, and others of more or less distinction, while, in Pedrosa, a town lying between Toro and Valladolid, Pedro de Cazalla, the parish priest, also fell under his influence and became a missionary in his turn. Among his converts was his sacristan, Juan Sánchez,

[1] Schäfer, II, 296, 354–7.

whose imprudent zeal greatly alarmed Cazalla; in 1557, Sánchez left Pedroso for Valladolid, where he entered the service of Doña Catalina de Hortega, whom he soon converted, and with her Doña Beatriz de Vivero, a sister of Cazalla. Through them, seven nuns of the Cistercian house of Nuestra Señora de Belen were brought to the new faith, but the greatest conquest, about May, 1557, was made when Beatriz de Vivero and Pedro Cazalla won their brother, Doctor Agustin de Cazalla. No ecclesiastic was of higher repute or greater influence with all classes; he was the favorite preacher of Charles V, who had carried him to Germany in 1543, where possibly his debates with heretics may have unconsciously undermined his faith. Next to him among the converts might be ranked the Dominican Fray Domingo de Rojas, whose reputation for learning and eloquence was of the highest. He had been a fellow student of Pedro de Cazalla; he had accompanied Carranza to Trent, in 1552, where he had encountered heretics, and since then some of his utterances had led his brother Dominicans to entertain suspicions, but, when Beatriz de Vivero first sought to convert him, he was firm and even thought of denouncing her. In the autumn of 1557, however, Augustin Cazalla and Carlos de Seso won him over to heresy and he, in his turn, brought in his brother, Don Pedro Sarmiento and his nephew Don Luis de Rojas, heir to the marquisate of Pozo. As in Seville, the reformers thus included men of the highest consideration, socially and ecclesiastically, as well as those of the lower classes. Still, their numbers were few; the wild estimates of five hundred or six thousand are baseless, for they did not exceed fifty-five or sixty, wholly without organization, being scattered from Logroño to Zamora, though the house of Doña Leonor de Vivero, the widowed mother of the Cazallas, served occasionally as a meeting-place. Of her ten children, four sons, Agustin and Pedro Cazalla, Francisco and Juan de Vivero, and two daughters, Beatriz and Costanza, were involved; the rest seem to have escaped. She herself, after the prosecutions commenced, was only confined to her house; she speedily died and received Christian burial, but her bones were subsequently exhumed and burnt. Notwithstanding this, one of the sons, Gonzalo Pérez de Cazalla, obtained, May 12, 1560, a dispensation from the *cosas arbitrarias*.[1]

It was inevitable that such a propaganda should be discovered, and the only source of surprise is that it should have been carried

[1] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 239.

on for two or three years without betrayal, but this came at last almost simultaneously from several sources. In Zamora, Christóbal de Padilla, steward of the Marchioness of Alcañizes, was unguarded in his talk; towards Easter of 1558 the publication of the Edict of Faith led to two denunciations, on which he was arrested by the bishop and thrown into the public prison. As he was not *incomunicado* he was able to send word to his accomplices and Herrezuelo promptly advised Pedro de Cazalla, with warning that no reliance could be placed on Padilla's reticence. Even more threatening than this was the inconsiderate zeal of Francisco de Vivero and his sister Beatriz, in seeking to convert two friends, Doña Antonia de Branches and Doña Juana de Fonseca. Their confessors refused absolution and Easter communion unless they would obtain full information; this they did and the tribunal was speedily in possession of the names of nearly all the converts, and made arrangements to seize them all. Despite its profound secrecy, Dr. Cazalla chanced to hear it said that there were heretics in Valladolid who had been denounced by Juana de Fonseca. The purport of this was unmistakable and wild confusion reigned among the little band. Desperate plans of escape were projected, but the time was too short. Some sought mercy by surrendering themselves and denouncing their accomplices; others silently awaited arrest. Only three attempted flight. Fray Domingo de Rojas, disguised in secular apparel, hastened to Logroño to Carlos de Seso and the two tried to escape through Navarre; at Pampeluna they secured a pass from the viceroy, but the agents of the Inquisition were in hot pursuit; they were recognized and conducted back under guard of twelve familiars and some mounted officials, which was rather for their protection than to prevent escape for, wherever they passed, crowds assembled with demonstrations of burning them. Fray Domingo was in mortal fear lest his kinsmen should slay him on the road, and it was deemed necessary to enter Valladolid at night to avoid lapidation by the mob. Of all concerned, the only one who succeeded in leaving Spain was Juan Sánchez, who found at Castro de Urdiales a vessel bound for Flanders and he, as we have seen, was caught a year later and shared the fate of his associates.[1]

[1] For these details I am indebted to Dr. Schäfer (*op. cit.*, I, 251–88, 296–307; III, 796–803), whose careful analysis of the trials of Doña María de Guevara, Pedro de Cazalla and Francisco de Vivero has thrown new light upon the brief episode of Protestantism in Valladolid.

Inquisitor-general Valdés, whose disgrace was imminent, promptly took advantage of the situation to save himself. It is easy for us now to recognize the absurdity of the fear that a couple of hundred more or less zealous Protestants, in Seville and Valladolid, could constitute any real danger to the faith so firmly intrenched and so powerfully organized in Spain, but, at the moment, no man could know how far the infection had spread. There was reasonable cause for alarm at the simultaneous discovery, in places so far apart, of heresy numbering among its disciples those of high rank in the world and of distinguished position in the Church. This alarm it was the business of Valdés to intensify, in order to render himself indispensable, and the most exaggerated rumors were industriously spread. Abbot Illescas, who was an eye-witness, treats it as a most terrible conspiracy which, if the discovery had been postponed for two or three months, would have set all Spain aflame, resulting in the gravest misfortune that had ever befallen the land. That hideous stories were circulated is shown by his assertion that matters too horrible to mention were proved; in the Cazalla house nocturnal conventicles were held, abominable and Satanic gatherings, in which Lutheran doctrines were preached.[1] The legend was industriously maintained. The Venetian envoy, Leonardo Donato, referring to the matter, in 1573, says that if it had not been remedied with speedy punishment, every one believes that the evil weed would have grown apace and would have infected all Spain, and this, perhaps, was not one of the least causes that induced Philip II to make peace with France and return home.[2] So Inquisitor Páramo, towards the close of the century, tells us that no one doubts but that a great conflagration would have resulted had it not been for the vigilance of the Holy Office and that, in the nocturnal conventicles held in the Cazalla house, the heretics polluted themselves with horrid wickedness.[3]

That the government should feel keen anxiety at the unknown proportions of the portentous discovery was natural. Charles V was nearing his end in the retirement of Yuste, and Philip was

[1] Illescas, Historia pontifical. Paulo IV, § iv.

[2] Relazioni Venete, Serie I, T. VI, pp. 411–12.—He adds that heresy might be expected to spread among the peasantry on account of the oppression, tithes and first-fruits exacted by the Church, but that the nobles are vigilant in defence of the faith by reason of the large provision of benefices which they enjoy.

[3] Páramo, *op. cit.*, p. 300.

in Flanders, engrossed in the war with France. His sister, the Infanta Juana, the temporary ruler, was a woman of very moderate capacity and she and her advisers, in view of the religious disquiet in France and Germany, might reasonably view with dread the prospect of civil dissension which in that age was the usual result of dissidence in faith. The outbreak in Seville had not excited much attention, but now this one at the court, involving such personages, portended unknown evils and came just in time to save Valdés from disgrace, as we have seen above (Vol. II, p. 47). On March 23, 1558 the Princess Juana had written to her father that when he had ordered the body of his mother Juana to be transferred to Granada, she had commanded Valdés to accompany it and then to visit his diocese of Seville; he had endeavored to excuse himself at the moment but promised to arrange so as to obey shortly. Then, when urged to do so some days later he raised further difficulties; it made no difference whether the body was buried then or in September; everybody was endeavoring to drive him away; troubles with his chapter required his presence at the court or in Rome; besides, he was occupied with some heresies which had arisen in Seville and in Murcia, and was busy in endeavoring to get a subsidy from the Moriscos of Granada. Evidently he was belittling the Seville heresies, lest they should serve as an excuse for sending him thither and, when Juana referred his letter to the Council of State, it insisted that he could be properly obliged to reside in his diocese.[1]

It can therefore be easily conceived how eagerly he grasped the opportune explosion in Valladolid and how it was magnified so as to produce on the court a vastly greater impression than the more dangerous one in Seville. In a letter of May 12th to Philip, the Suprema briefly announced the discovery; the heretics were so numerous and the time had been so short that it could give no details, but it suggestively insisted on the necessity of the presence of Valdés to urge the matter forward and it hoped that, with the royal favor, action would be taken for the salvation of the delinquents and the example and restraint of others.[2] As we have

[1] Gachard, Retraite et Mort de Charles-quint, II, 354.

[2] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 228.

This letter also asks that one of the Seville Protestants, Diego or Mateo de la Cruz, who had been burnt in effigy and subsequently captured in Flanders, should be promptly transmitted. He had contributed to Julian Hernández thirty ducats towards books to be smuggled by the latter. What was his fate does not appear. Cf. Schäfer, I, 335; II, 358, 407.

seen this produced immediate effect, for Philip, who had v
June 5th that he must be relegated to his see, on the 14th co
manded the order. Charles had already been induced to ta
same position. As early as April 27th, Juan Vázquez re
to him the arrest of Dr. Cazalla and the alarming outlook, s
that the remedy should be speedy and that the inquisitor-g
and Suprema were actively at work.[1] Charles was thor
aroused. He had spent his strength and his life in com
heresy; it had baffled his policies and frustrated his amb
it had been a thorn in the flesh, rankling and crippling h
every turn. It had fairly worn him out and driven him to
cation, and now its spectre broke in upon the repose for
his wearied soul and exhausted body had longed. He w
palled by the prospect of a renewal of the struggle, in th
land as yet preserved from its influence, and his religiou
was enkindled with the conviction that only by the enforc
of unity of faith could public order and even the monarchy
be maintained.

Accordingly, on May 3d, he wrote to Juana asking her
earnestly to order that Valdés should not leave the court,
his presence was so necessary. She must give him an
Suprema all the support requisite to enable them to suppr
great an evil by the rigorous punishment of the guilty. H
the bodily strength, he would himself come and share the
Juana sent for Valdés and showed him the letter, which as
him that he had regained his position, and the work went
arresting the heretics, reports of which were duly sent to Ch
The more he pondered over the situation, the more excite
grew. On May 25th, in a long letter to Juana, he magnifie
danger and the urgency of stern measures. "I do not kn
he said, "that in these cases it will suffice to follow the commo
that the guilty of a first offence can secure pardon by beg
mercy and professing conversion for, when at liberty, they
be free to repeat the offence. . . . The admission to mercy
not provided for cases like these for, in addition to their enor
from what you write to me, it appears that in another ye
unchecked, they would have dared to preach in public, thus i
ring their dangerous designs, for it is clear that they could n
so without organization and armed leaders. It must ther

[1] Gachard, II, 417, 418; I, 288.

be seen whether they can be prosecuted for sedition and disturbance of the republic, thus incurring the penalty of rebellion without mercy." He goes on to instance his own cruel edicts in the Netherlands, under which the pertinacious were burnt alive and the repentant were beheaded, a policy which he urged Philip to continue and which the latter practised in England, as though he were its natural king, leading to so many and such pitiless executions, even of bishops. "There must" he concluded "be no competencias of jurisdiction over this, for believe me, my daughter, if this evil be not suppressed at the beginning, I cannot promise that there will be a king hereafter to do it. So I entreat you, as earnestly as I can, to do everything possible, for the nature of the case demands it and, that the necessary action be taken in my name, I order Luis Quijada to go to you and to talk to such persons as you may direct."[1]

Not satisfied with this, Charles, on the same day, sent to Philip a copy of this letter and begged him to give orders for the unsparing punishment of the guilty, for the service of God and the preservation of the kingdom were at stake. Philip's marginal note on this was to thank him for what he had done, to ask him to press the matter, and to assure him that the same would be done from Flanders.[2] We shall see that Charles's cruel desire was fulfilled, though it was done ecclesiastically and not by distorting the secular law.

There followed a brisk correspondence between Valladolid and San Yuste, Charles burning with impatience and urging speedy action, and Valdés assuring him that all possible effort was making by the Inquisition in its crippled condition for want of funds. Philip was kept advised and wrote to Juana, from his camp near Dourlens, September 6th, expressing his satisfaction with what had been done; they were not to delay by communicating with him, who was busy with the war, but were to take orders from the emperor to whom he had written, asking him to take charge of the affair.[3]

Valdés was now master of the situation, both in this and the affair of Carranza, which hinged upon it to a large extent. To exploit it to the utmost he addressed, September 9th, to Paul IV

[1] Gachard, I, 293, 294, 295, 297. [2] Ibidem, I, 301, 302.

[3] Gachard, I, 302, 304, 306, 309; II, 401, 412, 416, 420–4, 435, 441, 443, 448, 456, 461.

a letter in which he gave a brief account of the development of Lutheranism in Valladolid and Seville; he dwelt upon the dangers impending, the labors of the Inquisition and the poverty which crippled its efforts. Adopting the argument of Charles V, he pointed out that this Lutheranism was a kind of sedition or tumult, occurring as it did among persons of importance by birth, religion and wealth, so that there was peril of greater evils if they were treated with the same benignity as the converts from Islam and Judaism, who were mostly of low estate and not to be feared. Lutheranism promised relief from Church burdens, which bore hardly on the people who would welcome liberation, while tribunals might scruple to relax persons of quality who would not patiently endure penance and imprisonment and, from their rank and the influence of their kindred, great evils might arise, both to religion and the peace of the kingdom. A papal brief would be highly desirable, therefore, under which the tribunals, without scruple or fear of irregularity, could and should relax the guilty from whom danger to the republic might be feared, no matter what their dignity in Church or State, giving to the inquisitors full power to employ the rigor required by the situation, even if it went beyond the limits of the law.[1] We have seen (Vol. II p. 426) how successful was this appeal in establishing on a firm basis the finances of the Inquisition, nor was it less so in obtaining the cruel power for which Charles V aspired, and also a faculty which enabled Valdés to destroy Carranza. Allusion has already been made (Vol. II, p. 61; Vol. III, p. 201) to the briefs of January 4 and 7, 1559 by which Paul IV granted a limited jurisdiction over the episcopal order and authorized the relaxation of penitents who begged for mercy, when it was believed that their conversion was not sincere. In both these directions, as was customary with the Inquisition, the limitation was disregarded and the grant of power was freely exercised.[2]

[1] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 230. This letter throws so much light on a turning-point in the history of the Inquisition that I give it in the Appendix, although Schäfer (III, 103) has printed a German translation.

[2] Although called forth rather by the accession of Queen Elizabeth and her assertion of supremacy over the Anglican Church than by the Spanish Protestants, the bull *Cum ex apostolatus*, of February 15, 1559, is worth alluding to as illustrating the spirit of the age. Issued after mature deliberation with the Sacred College, it confirms and renews all the laws, decrees and statutes against heresy, at any time issued, and orders their strict enforcement. As the vicar

Having obtained authority to set aside the law, the Inquisition was prepared to impress the people with a sense of the danger of wandering from the faith. Nothing was spared to enhance the effect of the auto de fe of Trinity Sunday, May 21, 1559, in which the first portion of the Valladolid prisoners were to suffer. It was solemnly proclaimed fifteen days in advance, during which the buildings of the Inquisition were incessantly patrolled, day and night, by a hundred armed men, and guards were stationed at the stagings in the Plaza Mayor, for there were rumors that the prison was to be blown up and that the stagings were to be fired. Along the line of the procession, palings were set in the middle of the street, forming an unobstructed path for three to march abreast, intrusion on which was forbidden under heavy penalties, but this and the numerous guards were powerless to keep it clear. Every house-front along the line and around the plaza had its stagings; people flocked in from thirty and forty leagues around and encamped in the fields; except the familiars, no one was allowed to ride on horseback or to bear arms, under pain of death and confiscation.

The procession was headed by the effigy of Leonor de Vivero, who had died during trial, clad in widow's weeds and bearing a mitre with flames and appropriate inscription, and followed by a coffin containing her remains to be duly burnt. Those who were to be relaxed in person numbered fourteen, of whom one, Gonzalo Baez, was a Portuguese convicted of Judaism. Those admitted to reconciliation, with penance more or less severe, were sixteen in number, including an Englishman variously styled Anthony Graso or Bagor—probably Baker—punished for Protestantism,

of God on earth and clothed with supreme power, Paul IV decrees in perpetuity that all guilty of heresy or schism or fautorship—clerics from the lowest up to cardinals and laymen up to kings and emperors—shall be subject to these laws against heresy, shall be deprived of their dignities and possessions, which may be seized by any one obedient to the Holy See; shall be held as relapsed, as though they had previously abjured, and shall be handed over to the secular arm for the legal punishment, unless they manifest true repentance with its fruits, in which case, through the benignity and clemency of the Holy See, they may, if it thinks fit, be thrust into some monastery to perform perpetual penance on the bread of sorrow and water of affliction.—Bullar. Roman., I, 840.—Septimi Decretal., Lib. v, Tit. iii, cap. 9.

The Spanish Inquisition kept this bull in its archives (Bulario de la Orden de Santiago, Lib. III, fol. 55) but never seems to have had occasion to use it. As the most solemn utterance of the Holy See it is presumably still in force.

like all the rest, excepting Baez. When the procession reached the plaza, Agustin Cazalla was placed in the highest seat, as the conspicuous chief of the heresy, and next to him his brother, Francisco de Vivero. Melchor Cano at once commenced the sermon, which occupied an hour, and then Valdés and the bishops approached the Princess Juana and Prince Carlos, who were present, and administered to them the oath to protect and aid the Inquisition, to which the multitude responded in a mighty roar, "To the death!" Cazalla, his brother and Alonso Pérez, who were in orders, were duly degraded from the priesthood, the sentences were read, those admitted to reconciliation made the necessary abjurations and those condemned to relaxation were handed over to the secular arm. Mounted on asses, they were carried to the Plaza de la Puerta del Campo, where the requisite stakes had been erected, and there they met their end.[1] With one exception they were not martyrs in any true sense of the word, for all but one had recanted, had professed repentance, had begged for mercy, and had given full information as to their friends and associates. Under the law, with perhaps two or three exceptions, who might be regarded as dogmatizers, they would have been entitled to reconciliation, but the brief of January 4th had placed them at the mercy of the Inquisition and an example was desired.

Of these there were only two or three who merit special consideration. Cazalla, on his trial, had at first equivocated and denied that he had dogmatized, asserting that he had only spoken of these matters to those already converted. As a rule, all the prisoners eagerly denounced their associates; he may have been more reticent at first, for he was sentenced to torture *in caput alienum*, but when stripped he promised to inform against them fully, which he did, including Carranza among those who had misled him as to purgatory.[2] He recanted, professed conversion and eagerly sought reconciliation. The tribunal insisted on regarding him as chief of the conventicle and, on the afternoon preceding the auto, it sent to his cell the prior of the Geronimite convent of Nuestra Señora de Prado, with one of his monks, Fray Antonio

[1] Bibl. nacional, MSS., D, 153, fol. 95.—The impression produced by this auto is manifested by the number of relations of it. Schäfer prints translations of three (I, 442; III, 1, 15) and refers to five others. There is still another, drawn up apparently about 1570 and by no means accurate, in Bib. nat., S, 151.

[2] Schäfer, I, 328: III, 808.

de la Carrera, to endeavor to extract further information. As officially reported by Fray Antonio, they found him in a dark cell, loaded with chains and with a *pié de amigo* encircling his head. He greeted them warmly but, when informed of their object, protested that he had nothing to add to his confessions without bearing false witness against himself or others. For two hours they labored with him in vain and then told him that he was condemned to die. In the seclusion of his prison he knew nothing of the papal brief; he had fully expected to be admitted to reconciliation, and the announcement came like a thunderstroke—one version of the interview states that he fainted and lay insensible for an hour; another, that he was incredulous, asking whether it could be possible and whether there was no escape. He was told that he might be saved if he would make a more complete confession, but he repeated that he had already told the whole truth. Then he confessed sacramentally and received absolution, after which he spent the time until morning in begging mercy of God and thanking God for sending him this affliction for his salvation; he blessed and praised the Holy Office and all its ministers, saying that it had been founded, not by the hand of man but by that of God; he willingly accepted the sentence, which was just and merited; he did not wish for life and would not accept it for, as he had misused it in the past, so would it be in the future. All this was repeated when the usual confessors were admitted to his cell and, when morning came and the sanbenito was brought, he kissed it, saying that he put it on with more pleasure than any garment he had ever worn. He declared that, when opportunity offered in the auto, he would curse and detest Lutheranism and persuade everyone to do the same, with which purpose he took his place in the procession.[1]

So great was his emotional exaltation that he fulfilled this promise with such exuberance during the auto that he had to be checked. After the sentences were read and those who were to be relaxed were brought down, when he reached the lowest step

[1] Archivo de Simancas, Inq., Lib. 1034, fol. 221.—Bibl. nacional, MSS., R, 29, fol. 299.

See Schäfer, III, 78, for a German translation of this and I, 325–7, for his defence of its genuineness against those who persist in regarding Cazalla as a martyr.

There is another recension of this report, differing in many details, and ascribed to Fray Pedro de Mendoza. It is contained in the *Miscelanea de Zapata* (Mem. hist. español, XI, 201).

he met his sister, who was condemned to perpetual prison; they embraced, weeping bitterly and, when he was dragged away, she fell senseless. On the way to the brasero he continued to exhort the people and directed his efforts especially to the heroic Herrezuelo, who had stedfastly refused to abandon his faith and was to be burnt alive. We might possibly feel some suspicion of the accuracy of all this, especially as the Inquisition took the unusual step of having an official report of his behavior drawn up and a briefer one attested, June 5th, by Simon de Cabezon and Francisco de Rueda, the notaries who recorded the delivery of the relaxed to the magistrates.[1] We have, however, the independent testimony of an eye-witness, the Abbot Illescas, who tells us that, after the degradation, Cazalla, with mitre on head and halter around his neck, shed tears so copiously and loudly expressed his repentance with such unexampled fervor that all present were satisfied that, through divine mercy, he was saved. He said and did so many things that everyone was moved to commiseration. Most of his comrades in death showed resignation and all retracted publicly, though it was understood that with some this was rather to escape burning alive than with any good purpose.[2]

It was otherwise with Herrezuelo, the only martyr in the group. He avowed his faith and resolutely adhered to it, in spite of all effort to convert him and of the dreadful fate in store for him. On their way to the brasero, Cazalla wasted on him all his eloquence. He was gagged and could not reply, but his stoical endurance showed his unyielding pertinacity. When chained to the stake, a stone thrown at him struck him in the forehead, covering his face with blood but, as we are told, it did him no good. Then he was thrust through the belly by a pious halberdier, but this moved him not and, when the fire was set, he bore his agony without flinching and, to the general surprise, he thus ended diabolically.[3] Illescas, who stood so near that he could watch every expression, reports that he seemed as impassive as flint but, though he uttered no complaint and manifested no regret, yet he died with the strangest sadness in his face, so that it was

[1] Archivo de Simancas, Inq., Lib, XII, fol. 20–9.

[2] Illescas, Historia Pontifical, Paulo IV, § 4.—See also Sepúlveda (De Rebus Gestis Philippi II, Lib. II, n. 24) who seems to have been present.

[3] Bibl. nacional, MSS., D, 153, fol. 95.

dreadful to look upon him as on one who in a brief moment would be in hell with his comrade and master, Luther.[1]

Perhaps the most pitiful case of all was that of his young wife, Leonor de Cisneros. But twenty-three years old, with life opening before her, she had yielded so promptly to the methods of the Inquisition that she escaped with perpetual prison. In the weary years of the *casa de la penitencia*, the burden on her soul grew more and more unendurable and the example of her martyred husband stood before her in stronger light. At last she could bear the secret torture no longer; with clear knowledge of her fate, she confessed her heresy and, in 1567, she was put on trial again. As a relapsed there could be no mercy for her, but recantation might at least preserve her from death by fire, and earnest efforts were made to save her soul. They were unavailing; she declared that the Holy Spirit had enlightened her and that she would die as her husband had died, for Christ. Nothing could overcome her resolution and, on September 28, 1568, she atoned for her weakness of ten years before and was burnt alive as an obstinate impenitent.[2]

The remainder of the Valladolid reformers were reserved for another celebration, October 8th, honored with the presence of Philip II, who obediently took the customary oath, with bared head and ungloved hand. It was, if possible, an occasion of greater solemnity than the previous one. A Flemish official, who was present, estimates the number of spectators at two hundred thousand and, though he must have been hardened to such scenes at home, he cannot repress an expression of sympathy with the sufferers.[3] Besides a Morisco who was relaxed, a Judaizer reconciled and two penitents for other offences, there were twenty-six Protestants. The lesson was the same as in the previous auto, that few had the ardor of martyrdom. Thirteen had made their peace in time to secure reconciliation or penance. Even Juana Sánchez, who had managed to bring with her a pair of scissors and had cut her throat, recanted before death, but her confession was considered imperfect and she was burnt in effigy. Of the twelve relaxed in person, five manifested persistence, but only in two

[1] Illescas, *loc cit.*

[2] Ibidem, *loc. cit.*—Schäfer, III, 118, 129.

[3] Vandennesse, Journal des Voyages de Philippe II (Gachard, Voyages des Souverains, IV, 74).

cases did this withstand the test of fire. Carlos de Seso was unyielding to the end and, when we are told that he had to be supported by two familiars to enable him to stand when hearing his sentence, we can guess the severity of torture endured by him. Juan Sánchez was likewise pertinacious; when the fire was set it burnt the cord fastening him to the stake; he leaped down and ran in flames; it was thought that he wanted to confess but, when a confessor was brought, he refused to listen to him; one account says that the guards thrust him back into the flames, another, that he looked up and saw Carlos de Seso calmly burning and himself leaped back into the blazing pile. Fray Domingo de Rojas presented a brave front and, after his degradation, addressed the king, asserting his heresies until dragged away and gagged, but when brought to the stake his heart failed him; he declared that he wished to die in the faith of Rome and was garroted. It was the same with Pedro de Cazalla and Pedro de Sotelo, who were gagged as unrepentant, but were converted at the brasero. Those who had merited mercy by prompt confession and denunciation of accomplices were, as a rule, not severely penanced and, in many cases, their punishment was abbreviated.[1] There would appear to have been some especially severe disabilities inflicted on the descendants of Carlos de Seso, extending to the female line, removable only by the Holy See for, in 1630, Urban VIII, at the special request of Philip IV, granted to Caterina de Castilla, granddaughter of Isabel de Castilla, wife of Carlos de Seso, a dispensation to hold honors and dignities, secular and spiritual.[2]

Thus was exterminated the nascent Protestantism of Valladolid. Meanwhile the Seville tribunal had been struggling with the mass of work thrown upon it by the capture of Julian Hernández and Don Juan Ponce de Leon. So numerous were the arrests that the rule had to be broken which forbade the confinement of accomplices together and, as the circle widened, arrests had to be postponed in expectation of an auto de fe that should empty the cells until, on June 6, 1559, the tribunal asked for power to requisition houses to serve as prisons. To hasten the work, early in 1559, Bishop Munebrega of Tarazona, an old inquisitor, was sent to Seville to aid the tribunal, but he was excessively severe,

[1] Schäfer, III, 53, 68. Dr. Schäfer (I, 334 sqq.), with his customary thoroughness, has traced the subsequent disposition of those reconciled.

[2] Decr. Sac. Cong. S^ti^ Officii, p. 161 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. III).

desiring to burn everyone; he soon became involved in bickering and recrimination with the inquisitors Carpio and Gasca, of whom he complained bitterly; votes in discordia were frequent, appeals to the Suprema were constant and the work was delayed.[1] It was not until September 24, 1559, that an auto could be celebrated. If all Old Castile had poured into Valladolid, so all Andalusia manifested its religious zeal by crowding into Seville. Three days in advance the people began to assemble, until the city could hold no more and they were obliged to sleep in the fields. The stagings and scaffoldings were on the most extensive scale and a place was specially provided for the Duchess of Bejar and her friends, who apparently desired the pleasure of seeing her kinsman, Juan Ponce de Leon relaxed.[2] As was so often the case, the solemnities were somewhat marred by an unseemly contest for precedence, between the civil and ecclesiastical authorities, which was renewed at the auto of 1560 and was not settled for several years.[3]

The services of thirty-eight frailes and Jesuits were required to prepare for their doom those who were to be relaxed. The most prominent of the victims was Don Juan Ponce de Leon, who had remained hardened, during his two years of confinement, in the belief that a man of his rank would not be burnt. He was an ardent Protestant; he had founded in his lands a sort of church, where worship was conducted in secret; he had gone to the brasero where, raising his hands to heaven, he had wished to God that he could be burnt there to ashes, with his wife and children, in defence of his faith, and he had said that if he had an income of twenty thousand ducats he would spend it all in evangelizing Spain but, when he learned his fate that night, he professed conversion; on the staging, he busied himself in urging his fellow-convicts to abandon their errors, and he made an exemplary end with tears and repentance. The next most conspicuous sufferer was the Licenciado Juan González, a famous preacher. He was of Moorish descent and, when only twelve years old, had been penanced at Córdova for Moorish errors. Throughout his trial he had steadily refused to incriminate others and, during the night, he answered the padres' exhortations with the psalms of David. On the staging he talked heresy with his two sisters until he was gagged and all three were burnt. The most interesting victim was María de Bohorques, aged 26, natural daughter of Pero

[1] Schäfer, I, 382; II, 361–8.
[2] Ibidem, II, 271.
[3] Archivo de Simancas, Inq., Leg. 787.

García de Xeres, a prominent citizen of Seville. She was a disciple of Cassiodoro de Reina, highly educated and thoroughly conversant with scripture, in both its literal and spiritual senses. When the confessors entered her cell that night, she received them pleasantly and expressed no surprise at their fateful message. It was in vain that relays of frailes sought her conversion—Dominicans following Jesuits and Franciscans succeeding to Carmelites. She met all their arguments with biblical texts, and was the only one of the condemned who defended her faith. Thus she passed the night until summoned to the procession. On the staging Ponce de Leon sought to convert her but she silenced him, saying that it was a time for meditation on the Savior. She treated the frailes who surrounded her as troublesome intermeddlers but, at three o'clock, she yielded to their entreaties, relapsing soon afterwards, however, to her errors, and she was burnt. Another prominent culprit was Hernando de San Juan, master of the *Doctrina Christiana* for children in Seville. He was an obstinate heretic, who resisted all efforts at conversion. After his sentence was read, the inquisitors asked whether he persisted in his errors, when he emphatically answered in the affirmative. Thereupon he was gagged, which he endured as though thanking God that it was given him to suffer for His sake. At length, however, he was persuaded by the frailes to escape burning alive by conversion, but his salvation, we are told, was uncertain as he had been impenitent until then.[1]

Altogether, at this auto, there were relaxed in person eighteen Lutherans, besides the effigy of the fugitive Francisco de Zafra. Two of these were foreigners—Carlos de Brujas, a Fleming and Antonio Baldie a Frenchman, master of the ship Unicornio. Evidently full use was made of the power to execute repentant converts, but whether any persisted to the end and were burnt alive cannot be gathered with certainty from any of the relations. The only guide we have is the general assertion of Illescas that, in this and subsequent autos in Seville, there were forty or fifty Lutherans executed, of whom four or five suffered themselves to be burnt alive.[2] Besides those executed there were eight Luther-

[1] Bibl. nacional, MSS., R, 29, p. 310.

[2] Illescas, Historia Pontifical, Paulo IV, § 4.

To the Spaniards of the period all Protestants were Lutherans but, from the relations of the Seville refugees with Geneva, it may be assumed that these were Calvinists.

ans reconciled, three abjured for vehement suspicion and ten for light suspicion, making forty in all. Two houses were ordered to be torn down and sowed with salt—those of Luis de Abrego and Isabel de Baena—which had been used for meetings. There were also thirty-four culprits for other offences—fourteen Moriscos of whom three were relaxed, one Judaizer reconciled, four bigamists, two blasphemers, twelve for holding fornication not to be a sin, and one false-witness, making a total of seventy-four and giving the crowd ample entertainment.[1]

The work went on with unrelaxing vigor, but it was not until December 22, 1560, that another gaol-delivery could be arranged. Of this auto we have the dry official report, which shows that there were fourteen relaxations in person and three in effigy, the latter being the deceased Doctor Egidio and Doctor Constantino, and the fugitive Juan Pérez de Pineda. There were fifteen reconciled and imprisoned, five abjurations *de vehementi* and three *de levi*, and there was one acquittal, making forty-one in all, but soon afterwards there were sixteen Spaniards and twenty-six foreigners discharged as innocent, showing how reckless and indiscriminating had been the arrests. Whether any of the relaxed persisted to the end and were burnt alive is not recorded, for the only remark accompanying the report is that there were no offensive speeches, because those likely to utter them were duly gagged in advance.[2]

Of these there were two or three deserving special notice. At the head of the list of sufferers stood Julian Hernández, who had left his safe retreat in Frankfort on the desperate errand of evangelizing Spain. He had lain three years in prison and, if González de Montes is to be believed, he bore unshrinkingly repeated torture without betraying his associates and, when carried back to his cell, would inspirit his fellow-prisoners by chanting along the corridors

Vencidos van los frayles,
Vencidos van.
Corridos van los lobos,
Corridos van.

Montes adds that he persisted to the end, when, after the faggots were lighted, a fraile had his gag removed in hopes of his yield-

[1] Archivo de Simancas, Consejo y Secretaria de Hacienda, Leg. 25.—This appears to be the only complete relation of the auto.

[2] Schäfer, II, 290, 295, 311.

ing and, disgusted with his obduracy, cried "Kill him! kill him!" when the guards thrust their weapons into him. It may be hoped that he was spared the final agonies, but there are not wanting indications that, towards the close of his imprisonment, his resolution gave way and that he furnished evidence against his comrades.[1]

The one acquittal was that of Doña Juana de Bohorques, wife of Don Francisco de Vargas and sister of the María de Bohorques who had perished in the previous auto. She died in prison and it was her fame and memory that were absolved. González de Montes says that her death was caused by atrocious torture and the case has, thanks to Llorente, served as a base for one of the severest accusations against the Inquisition. In the absence of the documents the truth of the story cannot be ascertained but, if true, it manifests more readiness to render a righteous judgment at the cost of self-condemnation than we are accustomed to attribute to the Inquisition.[2]

Seville, as the chief commercial centre of Spain, naturally attracted many merchants and mariners, and this auto furnishes an illustration of inquisitorial methods in discouraging commerce. Among the relaxed there were three foreigners—a Frenchman named Bartolomé Fabreo and two Englishmen, William Bruq (Brooks) and Nicolas Bertoun (Burton or Britton). Of the two former we know only their fate, but of the latter we chance to have some details. Burton was a shipmaster or supercargo, who made no secret of the reformed faith in which he had been trained, wherefore he was arrested and all the merchandize in his charge was sequestrated. One of the owners, seeking to recover his property, sent a young man named John Frampton to reclaim it. After months of delay he was told that his papers were insufficient, when he went back to London and returned to Seville with what was needed. More delays ensued and then he was cast into the secret prison on the charge that a suspicious book had been found in his baggage—the book being an English translation of Cato. His trial was protracted, though he made no secret of his belief; he was tortured until he fainted and, when his endurance was exhausted, he consented to adopt Catholicism. Burton was more

[1] Inquis. Hispan. Artes detectæ, pp. 219-22.—Schäfer, II, 360.

[2] Inquis. Hispan. Artes detectæ, p. 181.—Llorente, Hist. crít., cap. XXI, art. iii, n. 26.

persistent and was burnt. Frampton, after fourteen months of confinement, escaped with reconciliation, confiscation and a year of sanbenito and prison, with orders never to leave Spain. All the goods under Burton's charge were confiscated; Frampton figured his own loss at £760 and the whole confiscations at the auto at the enormous sum of £50,000—doubtless an exaggeration, but the whole affair indicates that the profitable side of persecution was not lost to sight.[1]

The next auto was celebrated April 26, 1562, and comprised forty-nine cases of Lutheranism. There were nine relaxed in person and, as none of them are described as obstinate, it may be assumed that all were garrotted. There was one effigy of the dead and fifteen of fugitives. Of the latter, nine were monks of San Isidro, among whom were Cipriano de Valera and Cassiodoro de Reina. That the native stock of heretics was becoming exhausted is seen in the fact that, of the thirty-three persons figuring in the auto, twenty-one were foreigners, mostly Frenchmen. This was followed by another auto, October 28th of the same year, in which there were thirty-nine cases of Lutheranism, of which nine were relaxations in person and three of fugitives in effigy, none of the culprits being described as impenitent. There were nine reconciliations, seventeen abjurations *de vehementi* and one *de levi*. The number of ecclesiastics is a noteworthy feature of this auto for, besides the Prior of San Isidro, Maestro Garcí Arias Blanco, there were four priests burnt in person and one in effigy, and seven who abjured *de vehementi*. They contributed largely to the fines levied, amounting to 5050 ducats and 50,000 maravedís, besides four confiscations of half the property. It may be remarked, moreover, that the officers and crew of the ship Angel seem to have fallen victims in a body, for three were burnt, six were reconciled and four abjured *de vehementi*.[2] Trading with Spain was becoming more and more perilous.

The little band of Seville Protestants was thus almost rooted out, and the succeeding autos show a constantly preponderating number of foreigners. That of April 19, 1564, only presented

[1] Strype, Annals of the Reformation in England I, 228–35 (London 1709), from a MS. relation of his sufferings by Frampton. An English translation of Erasmus's Precepts of Cato was published in 1545 and was probably the book found in Frampton's possession. If so, the name of Erasmus was sufficient to compromise him.

[2] Schäfer, II, 312, 319.

six relaxations in person and one in effigy, of which all the former were of Flemings, and two abjurations *de vehementi*, both of foreigners.[1] The next was celebrated May 13, 1565, in which there were six relaxations in effigy for Protestantism, the offenders having fled. Of these only two were Spaniards, one being the last inculpated monk of San Isidro. Of seven reconciliations, all were of foreigners, six being Flemish or Breton sailors. Of five abjurations *de vehementi*, three were of Flemings. There was also a cruel warning against harboring and protecting these foreign heretics, for two Flemings of Puerto Real, for this offence, were visited, one with four hundred lashes and the other with two hundred, besides fines and banishment.[2]

We have thus virtually reached the end of native Spanish Protestantism, but the impression produced by the Valladolid and Seville heretics was still profound. Philip II addressed, November 23, 1563, to the Spanish bishops, a letter enlarging upon the efforts of the Lutherans to spread their doctrines throughout Spain. In these perilous times, he says, the Inquisition must be aided by having everywhere those who will report to it all suspect of Lutheran or other errors. The bishop is to see to this and also that preachers shall confine themselves to setting forth Catholic belief, making no allusions to heresies, even to confute them. Confessors are to be instructed to charge their penitents to denounce to the Inquisition all whom they know to entertain these errors. No one is to be allowed to teach school without a preliminary examination, by both the ecclesiastical and secular authorities, who must be satisfied with his character and habits.[3] It is evident that extraordinary precautions and universal vigilance were deemed necessary to exclude the obnoxious doctrines.

Yet these efforts were rewarded with no new discoveries, for Spanish Protestantism was a mere episode, of no practical moment save as its repression fortified the Inquisition and led to the segregation of Spain from the intellectual and industrial movement of the succeeding centuries. A few sporadic cases may be noted from time to time, but the persecution of Jew and Morisco had trained the nation too thoroughly in enthusiastic fanaticism, and the organization of monarchy and Church was too absolute for

[1] Schäfer, II, 327.

[2] Archivo de Simancas, Inq., Leg. 787.—Schäfer, II, 331.

[3] MSS. of Royal Library of Copenhagen, 214 fol. (Cédulas en favor de la Inquisicion).

there to be any real danger that Protestantism could obtain a foothold. Yet the danger was deemed so pressing that extreme measures were justified to protect the land from the intrusion of foreign ideas. Philip II had lost no time, after his return from Flanders, in issuing the pragmática of November 22, 1559, by which all Spanish youth studying abroad were ordered home within four months, and all Spanish subjects for the future were forbidden to seek foreign lands for study under penalty, for laymen, of confiscation and perpetual exile, and for clerics, of forfeiture of temporalities and loss of citizenship. The only exceptions allowed were the college of Albornoz in Bologna and those of Rome and Naples, for Spaniards residing in Italy and that of Coimbra for the professors there.[1] It would be difficult to exaggerate the unfortunate influence of this in retarding Spanish development, yet it was but the first of a series of measures which, by isolating Spain, crippled its energies in every direction.

The spectre of active proselytism on the part of Protestants abroad was vigorously conjured up to stimulate vigilance and justify repression. Undoubtedly the refugees in the Rhinelands and Switzerland were earnestly desirous of evangelizing their native land, and they labored industriously to this end, but the difficulties in the way were too great and the reports as to their efforts were systematically exaggerated. Carranza, in his defence, dwelt on his exertions in Flanders to check this traffic, but though he was told of barrels full of a forged letter of Philip II and of a papal bull, at the Frankfort fair for shipment to Spain, and of shops in Medina del Campo and Málaga to which heretic books were sent, the net results of his energy show how little substratum of fact there was in all this.[2] The career of Julian Hernández proves that men who took their lives in their hands might occasionally bring in a few books, but his fate was not encouraging. If some times a missionary undertook such work his mission was apt to be brief. Hughes Bernat of Grenoble landed at Lequeitio (Biscay) August 10, 1559, on such an errand. On the road to Guadalupe he fell in with a Minim named Fray Pedro, who pretended inclination to Lutheranism and led Bernat to unbosom himself as to his plans and hopes, resulting in his speedy arrest by the tribunal of Toledo, when he boldly confessed as to himself and

[1] Nueva Recop. Lib. I, Tit. vii, ley 25.
[2] Coleccion de Documentos, V, 530.

was tortured to discover his accomplices. He was sentenced to relaxation in the auto of September 25, 1560, and as he is not described as pertinacious, he probably professed conversion when, for some reason, his sentence was not executed.[1] In the trial of Gilles Tibobil (or Bonneville), at Toledo, in 1564, we hear of Francisco Borgoñon, a French haberdasher who, in his trips from France, brought with him heretic books, but they were for the benefit of a little Huguenot colony in Toledo; the number of such Frenchmen and Flemings in Spain was large and this, rather than projects of evangelization, probably explains the greater part of the smuggling, attempted or performed.[2]

There were constant rumors, however, of propagandism on a larger scale which served to magnify the importance of the Inquisition and to justify interference with commerce. In 1566, Don Francisco de Alava, a Spanish envoy to France, was busy in Montpellier endeavoring to trace the agency by which heretic books were conveyed to Catalonia, where the number of Frenchmen was large,[3] and, in the same year, Margaret of Parma, from the Netherlands, sent to Philip the absurd statement that thirty thousand of Calvin's books had been transmitted through Seville, whereupon the Suprema issued vigorous orders for their seizure.[4] In January, 1572, it announced to all the tribunals that the Princess of Béarn (Jeanne d'Albret) had recently held an assembly of Lutherans, in which it was resolved to send some of their ministers in disguise to Spain as missionaries. The utmost vigilance was enjoined to counteract this effort; all the commissioners were to be warned and prelates be asked to order all priests and preachers to be on the watch.[5] In June, 1578, it sent letters to a number of tribunals, stating that advices from Valladolid showed that the heretics had printed a New Testament in Spanish, with a Venetian

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 108, n. 3.—Schäfer, II, 81.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 113, n. 64, fol. 20.—The little knot of Huguenots in Toledo is treated exhaustively by Dr. Schäfer in the *Zeitschrift für Kirchengeschichte*, October, 1900. He reckons at about forty the number of those alluded to in the trials, which is probably a full estimate for, as usual, they freely denounced all whom they knew or suspected. The tribunal made short work of them in the auto of June 17, 1565, where forty-five culprits appeared and eleven were relaxed, though what portion of these were Protestants is not stated.

[3] Schäfer, II, 70.

[4] Archivo de Simancas, Inq., Lib. 940, fol. 3.

[5] Ibidem, Lib. 82, fol. 16; Lib. 942, fol. 31.

imprint, and were flooding the land with copies, and also that the heretic ministers had correspondents in Spain. Great watchfulness was therefore commanded at all sea-ports and frontier towns, and all persons found in possession of the prohibited volume were to be sent to Madrid for trial. A month later, this scare was renewed on the strength of information from Flanders, but the records of the Toledo tribunal at this period do not indicate that these efforts were rewarded with any captures.[1]

Whatever proselyting zeal Protestantism may have had passed away with the early years of the seventeenth century. The latest work of the kind of which we hear is that, in 1603, the Prince of Anhalt introduced into Seville a number of copies of the Bible of Cipriano de Valera and, when Catherine, Duchess of Bar, sister of Henry IV, heard of this, she ordered six hundred copies printed and sent a Huguenot gentleman, named Hierosme de Taride, to the Duke of la Force at Pau, to learn how to transmit them to Saragossa, when la Force gave him the names of parties there who could be trusted to handle them, but the death of the duchess in 1604 put an end to the project.[2] The Thirty Years' War gave the German Protestants ample occupation at home and, after the Peace of Westphalia, proselytism was out of fashion.

Yet it was a curious episode of the War of Succession that when, in 1706, the Archduke Charles and his English allies seemed for a brief space to be at the point of success, when all the kingdoms of the Crown of Aragon had acknowledged him and he even for a time occupied Madrid, the opportunity was seized to circulate a catechism of Anglican doctrine in Spanish and other books prejudicial to the faith. The energetic measures adopted by the Inquisition to meet this assault show the strength of its apprehension. It ordered the most careful watch to be kept at all ports and frontier towns. Edicts were to be published forbidding these and all other works of evil doctrine introduced by heretics, and inquisitors were told to be energetic in punishing the guilty, enforcing their sentences by censures, interdicts and *cessatio a divinis* when, if these proved futile they were to abandon, in solemn procession, the disobedient cities, even at the risk of their lives.[3] The rising of the Spanish people, in this same year, soon limited the territory occupied by the Allies; we hear nothing more of this

[1] Archivo de Simancas, Inq., Lib. 941, fol. 5.

[2] Eduard Böhmer in *Zeitschrift für Kirchengeschichte*, 1897, pp. 373 sqq.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 123.

attempt at conversion under the shadow of the sword and, taken as a whole, the efforts to evangelize Spain have attracted vastly more attention than their intrinsic importance deserves.

Unsuccessful as were the endeavors to introduce the new doctrines in Spain, there continued to be occasional cases of Spaniards embracing them partially or wholly, of which a few examples may be cited. There was arrested and brought to the Toledo tribunal, December 24, 1562, Hernando Díaz, a cowherd of San Roman, near Talavera. He was a simple-minded creature, who had been at times *melancolico*. In the Sierra Morena there had been much talk among the shepherds of the Lutheran doctrines made known in the Seville autos. While working there he had heard of them, they fixed themselves in his wandering mind and, when the fit was on him, he could not help talking of his *imaginaciones* as he called them, although his wife and daughter and his neighbors, cautioned him against it. At his first audience he freely admitted having denied the power of pope and priest and asserted that salvation came by faith and love of God and charity and love of one's neighbor, and not by the laws of the Church or by indulgences and images and pilgrimages. The inquisitors treated him kindly, exhorting him to cast aside these fancies, which he professed willingness to do but could not control them. Physicians were called in who bled and purged him; be begged for mercy, but could not conquer his beliefs. This went on for a couple of months when he announced his conversion through the teaching of his cell-companion, a priest named Juan Ramírez, who confirmed it, stating that Díaz had talked like a Lutheran until the feast of the conversion of St. Paul, when he had read to him from his breviary the services of the day and had urged his conversion; Díaz had wept and professed his belief in the Church and Ramírez held him to be sincere. Thus far the conduct of the case had been eminently humane and considerate, but when the consulta de fe met, May 17th, two of the consultors voted for relaxation, while the two inquisitors, the Ordinary and two others voted for reconciliation, confiscation and irremissible perpetual prison and sanbenito. At an auto held, September 19th, this sentence was duly pronounced and, when the city of Toledo was assigned to him for a prison, he was thrust into the streets to take his chance of starvation.[1] The case is not without interest as showing that the

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. III.

sentences read at the autos might be as effective as the dreaded missionaries.

A heretic of different calibre was Don Gaspar Centellas of Valencia, a gentleman of birth and culture. During his trial, he evaded the accusation with skill but, when his counsel drew up for him a defence in which he was made to recognize the Roman Church and pope as the Church of God, in which he wished to live and die, he refused to sign it. He renounced all defence and was obdurate to the arguments of the theologians, who were repeatedly summoned to convert him; there was nothing to do but to burn him, which was executed accordingly, September 17, 1564.[1] His brother, Don Miguel Centellas, Comendador of Montesa, was likewise exposed to a prolonged trial, but was acquitted in 1567.[2] Connected with Don Gaspar was Doctor Sigismondo Arquer who, though not a Spaniard, was a Spanish subject, being from Cagliari. His trial at Toledo occupied nine years; he was unrepentant to the last and when, in the auto of June 4, 1571, he was delivered to the secular arm, a curious debate arose. The official entrusted with the execution of the sentences declared that, under the law in other offences, there was no burning alive and he ordered Arquer to be garroted. The pious zeal of the populace could not endure this ill-timed mercy; a riot occurred in which Arquer was pierced with halberds and other weapons; fire was finally set and so, half dead already, he was burnt.[3]

By this time it was rare to find a native Spaniard tried for Protestantism, and women virtually disappear as culprits. Moreover, the cases which are classed in the records as *cosas de Luteranos* are nearly all those in which some trifling aberration or careless speech was qualified by the calificadores as savoring of Lutheranism, so that the statistics unconsciously exaggerate greatly the prevalence of Protestantism. Such cases were mostly treated with leniency, as that of Mosen Monserrat, a beneficed priest of the church of San Salvador, accused in 1567 of Calvinism, to the Valencia tribunal, for saying that extreme unction was not as efficacious as formerly, that it was mortal sin to administer the sacraments in mortal sin, and that the religious Orders were not as strong as they had been. He escaped with having to revoke his utterances in presence of the chapter of San Salvador and with

[1] MSS. of Library of Univ. of Halle, Yc, 20, Tom. XI.
[2] Archivo hist. nacional, Inq. de Valencia, Leg. 30.
[3] Schäfer, II, 93.

celebrating nine masses.[1] So, in 1581, Juan de Aragon, a peasant, was tried at Toledo, on a charge of saying that masses for the dead were absurd, for the priest was a sinner who could do nothing with God, and that it sufficed to recommend oneself to God and the saints. He denied the accusation, the consulta de fe voted in discordia and the Suprema merely sentenced him to abjure *de levi*, to hear mass as a penitent and to pay a fine of twelve ducats.[2]

While such trivial matters form the bulk of the cases of so-called Lutheranism there were occasionally more serious ones, such as that of Juan López de Baltuena of Calatayud in 1564, at Saragossa. In his written defence there were sundry heresies, qualified as Lutheran, for which he was condemned to abjure *de vehementi*, to serve in the galleys for life and never to read, write or talk about theology.[3] Nor were there altogether lacking cases, like those of Centellas and Arquer, in which conscientious conviction carried the delinquent to the stake, as that of Pedro Mantilla, a student of Vezerril in Old Castile, who, in 1585, was relaxed at Saragossa as a pertinacious heretic, who was Arian in denying the Trinity and Lutheran in rejecting papal authority.[4]

The last relic of the movement of 1558 was the Catalan, Pedro Galés, reckoned as one of the most learned Spaniards of the age, and highly valued as a correspondent by such scholars as Isaac Casaubon, Cujas and Arias Montano. As early as 1558 he had commenced to reject some of the Catholic dogmas, but he escaped suspicion and enjoyed intimate relations with Archbishop Antonio Agustin, who made him one of the interlocutors in his celebrated *Dialogi de Emendatione Gratiani*—the first assault on the authority of the False Decretals. About 1563 he left Spain for Italy, where he made progress in heresy, leading to his prosecution by the Roman Inquisition and the loss of an eye under torture. Abjuration saved him and, in 1580, he returned to Spain, where Don Juan de Idiaquez sought to secure him as tutor to his son Alonso. In 1582 he passed through Italy to Geneva, where he married and occupied the chair of philosophy until 1586. He rejected some of the Calvinist doctrines and, leaving Geneva, he taught in Nîmes,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 31. That it is mortal sin to administer sacraments in mortal sin is thoroughly orthodox. See Alph. de Ligorio, Theol. Moral., Lib. VI, n. 32, 33.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[3] Archivo de Simancas, Inq., Lib. 716.

[4] Bibl. nacional, MSS., PV, 3, n. 20.

Orange and Castres, holding frequent disputes with Huguenot preachers. Accompanied by his wife and two little daughters, he was on his way to Bordeaux, in August, 1593, when the Leaguers at Marmande arrested him as a Huguenot, with his precious accumulation of MSS. and books in ten bales. He was delivered to the Capitan Pedro Saravía, who had been placed by Philip II at the service of the Marquis of Villars, Governor of Guyenne. He made no secret of his belief and Sarravía was impressed with the extreme importance of the information which the Inquisition could extract from him as to his co-religionists, but the Governor of Marmande refused to convey him across the border and, when Villars was applied to, he obligingly offered to hang or drown the heretic, but shrunk from the responsibility of extraditing him. The distracted wife was imploring the officials to liberate her husband and Sarravía was consumed with anxiety lest she should succeed while he was seeking the intervention of Philip. In this he succeeded; Galés was surrendered to the tribunal of Saragossa, where he freely admitted his faith and stubbornly refused conversion, but his endurance was mercifully spared by sickness and death after his third audience and, as an impenitent, his bones and effigy were burnt in the auto of April 17, 1597.[1]

In all, the cases of so-called Lutheranism, collected by Dr. Schäfer, up to 1600, amount to 1995, of which 1640 are of foreigners and 355 of Spaniards, and he estimates that he has succeeded in finding about two-fifths of the autos de fe of the thirteen tribunals of the mainland.[2] This probably conveys a reasonably accurate impression as to the comparative numbers of the two classes, but it would be a gross error to regard all the Spaniards as real Protestants, for the great majority may be assumed to have been Protestant only in the imagination of the calificadores.

In the seventeenth century scattering cases continue to occur from time to time among Spaniards, but their treatment indicates that there was no longer felt the necessity of making examples. Fray Juan González de Carvajal, a Benedictine who had been expelled from his Order for repeated escapes, embraced Calvinism, which he confessed in France and obtained absolution; again he confessed it judicially in the Roman Inquisition, and yet again in the Toledo tribunal and was reconciled. Then, in 1622, he was

[1] Ed. Böhmer and A. Morel Fatio (Journal des Savants, Juillet—Sept. 1902).—Schäfer, II, 40.

[2] Schäfer, I, 212–27.

tried in Valladolid, where he told all this freely, but with such signs of repentance that the consulta de fe voted only to reconcile him in a public auto, with ten years of galley-service and perpetual prison. While waiting an auto he sought an audience and confessed that he had again relapsed; there was no choice now but to sentence him to degradation and relaxation, but the Suprema mercifully modified this to reading his sentence in the audience-chamber, where his sanbenito was to be removed, perpetual deprivation of his functions as deacon and life-long imprisonment.[1] There was less disposition to mercy, in 1630, in the case of María González, widow of Pedro Merino of Canaca, one of the exceedingly rare instances of a Spanish female Protestant. To the Valladolid tribunal she freely confessed her belief and persisted in it, despite earnest and prolonged efforts to undeceive her. There was no escape from condemning her to relaxation and the Suprema confirmed the sentence, but whether it would have been executed cannot be told for persistent labors were crowned with success; she was finally converted and the sentence was changed to reconciliation.[2] There may have been subsequent cases of Spaniards relaxed for Protestantism, but I have not met with them. In 1678, Thomas Castillanos was kindly sent to an insane hospital by the tribunal of Toledo. In 1718, Pedro Ortiz of Valencia was reconciled with perpetual prison in the Córdova auto of April 24th, and, in that of November 30, 1722, at Seville, Joseph Sánchez of Cádiz appeared as a "Calvinist and Lutheran" and was reconciled with irremissible prison.[3]

The Augustinian Fray Manuel Santos de San Juan, better known as Berrocosa, would, in the sixteenth century, have been burnt as an undoubted Lutheran, although when arrested, in 1756, it was merely as a *regalista* or upholder of the supremacy of the State. His *Ensayo de el Theatro de Roma*, circulated in MS., was an essay to prove this, in a manner highly offensive to the hierarchy, and for this he was relegated for ten years to the strict convent of Risco. During his confinement he wrote tracts to prove that Rome was Babylon, that the existing Church in no way resembled that of the Apostles, that there should be no Order higher than the priesthood, that capital punishment for heresy

[1] Archivo de Simancas, Inq., Leg. 552, fol. 1, 3.

[2] Ibidem, fol. 13, 15.

[3] Proceso contra Angela Pérez, post fol. 22 (MS. *penes me*).—Matute y Luquin, Autos de fe de Córdova, p. 223.—Royal Library of Berlin, Qt. 9548.

was in itself a heresy, and other doctrines which no calificador could help qualifying as the rankest Lutheranism, but Berrocosa was not relaxed, although he found associates to copy these heretical documents and circulate them. When his ten years' confinement ended, in 1767, he was again strictly secluded in a cell, from which, in 1768, he managed to escape, eluding pursuit until, in January, 1770, he was recaptured and delivered to the Toledo tribunal. Here he underwent a second trial, resulting in a sentence of confinement for life in the convent of Sarria (Galicia), where he was to be kept *incomunicado*.[1]

This case illustrates why, during the decadence of the Inquisition, we hear little or nothing of Protestantism among Spaniards, although the spirit of persecution was unabated. Revolt against Ultramontanism was no longer styled Lutheranism but Regalism or Jansenism. With those whose dissidence went beyond discipline to dogma, it took the shape of the fashionable philosophy of the period and became Naturalism or Philosophism, Deism or Atheism, as the case might be. The Inquisition still did its work with more or less rigor, but the arena had shifted.

While thus there had been little tendency to Protestantism among natives, since the inconsiderable outbreaks of 1558, foreigners furnished an ample field of labor. Spain had a reputation for wealth which rendered it attractive to the stranger; its people held in contempt the arts and crafts in which Frenchmen and Flemings and Italians were adepts, and its internal peace seemed to offer a refuge to those whose industries were precarious in the incessant clash of arms through which the old order of things gave way to the new. Consequently every city in Spain had a considerable population of foreigners, intent on earning a livelihood without much thought of spiritual matters. Some trials in the Toledo tribunal, about 1570, allude to French and Flemish printers then under arrest in Toledo, Barcelona, Alcalá, Salamanca, Valladolid and Granada.[2] In 1600, the Count of Benavente, Viceroy of Valencia, estimated the number of Frenchmen there at fourteen or fifteen thousand and added that there were vast numbers in Aragon.[3] While many of these were undoubtedly Calvinists, sedulously concealing their faith, the majority were

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. XI.
[2] Ibidem, T. III.
[3] Janer, Condicion de los Moriscos, p. 277.

Catholics, more or less sincere, but even their orthodoxy was not of a quality to suit the Spanish standard. They had been accustomed to live in contact with heretics; they had no such fanatical horror of heresy as was universal in Spain, and they were apt to be careless in the observances which the Spaniard regarded as indispensable. All foreigners were thus objects of suspicion, and the Catholic was as liable to arrest as the Calvinist. Jacques Zacharie, a dealer in rosaries and images in Burgos, in 1637, chanced to be relating his adventures with the heretics in France who, in examining his baggage, had said "Let him take these wares to Spain and bring us back good money," when one of his hearers expressed surprise that the Most Christian king would let heretics dwell in his land. This led Jacques patriotically to defend them as good baptized Christians, who lived righteously according to their law. He was asked how they could be Christians when they did not go to mass and confess to priests, when, in the heat of discussion, he replied that there was not scriptural command of sacramental confession. For this he was denounced to the Valladolid tribunal; he was arrested and tried and all his property was sequestrated.[1]

It is no wonder therefore that the tribunals were kept busy with these cases and that the records are full of them, especially under the crown of Aragon, owing to the propinquity of south-western France, where Huguenotism was in the ascendant. In Saragossa the relaxations for Lutheranism, from 1546 to 1574, though amounting to only seven, were all of Frenchmen.[2] Barcelona was more active. In an auto of May 16, 1561, there appeared for Lutheranism, eleven Frenchmen, one Piedmontese and one Maltese. In that of July 11, 1563, there were thirty-four Frenchmen, two Italians and two Catalans, of whom eight Frenchmen were relaxed in person and three in effigy. In that of March 5, 1564, there were twenty-eight Frenchmen, two Catalans and one Swiss, of whom eight Frenchmen were relaxed in person and two in effigy.[3] From a report by Dr. Zurita of his visitation in the summer of 1564, we obtain a glimpse of how these autos were fed. At Perpignan, for Lutheranism, five persons were arrested with sequestration, of whom four, and possibly all five, were French. At Castellon de Ampurias, Maestre Macian, a Frenchman, was sent

[1] Archivo de Simancas, Inq., Leg. 552; fol. 22.
[2] Libro Verde de Aragon (Revista de España, CVI, 570–83).
[3] Schäfer, II, 2.

to Barcelona for trial. Jean de Adin, a Frenchman of Aldas, escaped arrest by flight, and the arrest was ordered of Pere Bayrach, a Frenchman of Flasa.[1] When, simultaneously with this, the ambassador Saint-Sulpice complained to Philip II of the cruelty exercised on his fellow-countrymen, who were peaceably plying their industries, without creating scandal, the king coolly replied that the Inquisition acted without regard to persons, but nevertheless he would speak with the inquisitor-general.[2]

The complaint of cruelty was justified. In the rebuke which the Suprema administered to the tribunal of Barcelona, in 1568, as the result of de Soto Salazar's visitation, allusion is made to a case, in 1565, of a Frenchman named Antoine Aymeric, arrested without evidence; his first audience was held at his own request February 23d, the second on July 27th, when, without more ado, he was tortured and sentenced to reconciliation and confiscation. In another case of a Frenchman, Armand Jacobat, he was tortured without confession, but subsequently admitted some Lutheran errors, begged for mercy and desired to be converted, in spite of which he was relaxed and burnt, for which the Suprema held the tribunal to be gravely in fault.[3] What became of those not burnt is seen in a report of December, 1566, to Charles IX, by his ambassador M. de Fourquevaux, that seventy poor Frenchmen, prisoners of the Barcelona tribunal, had been condemned to the galleys and had been delivered, in November, to Don Alvar de Bazan, who had taken the fleet to winter near Cádiz. In February, 1567, he writes that, on complaint to the Duke of Alva, the latter had assured him on his honor that they were all dogmatizing Huguenots; that Frenchmen were never arrested for Protestantism if they had not said or done something scandalous. This was as mendacious as the repeated promises to release the galley-slaves, which were always evaded until Fourquevaux recommended the seizure as a hostage, at Narbonne, of Andrea Doria, the naval commander-in-chief. At last, on December 20th, he reported the sending of royal letters to Doria to release them, but it is fairly questionable whether the order was obeyed. Again, in a list of complaints made by Charles IX to Philip, there was one concerning five of his subjects arrested in Havana and sent to

[1] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 9.
[2] Gachard, Don Carlos et Philippe II, I, 107.
[3] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 20.

Seville for trial, to which Philip replied that he was not accustomed and did not desire to interfere in such affairs, but nevertheless he would have the inquisitor-general requested to order the tribunal to despatch these cases with all speed.[1]

A more pleasing international episode is connected with the case of Robert Fitzwilliam, an Englishman, condemned by the Seville tribunal to ten years of galleys and perpetual prison. He was received on board, February 25, 1578 and, in November 1582, his wife Ellen presented herself in the court of Madrid, with a letter from Queen Elizabeth to Philip II, representing that the poor woman had beseeched her interposition, and that the liberation of the husband would be a favor which she would be glad to reciprocate. Under any other jurisdiction, the granting of such a royal request would have been a matter of course, but the assent of the Holy Office had to be secured. The existing papers fail to inform us of the result, but that it was favorable can scarce be doubted, for the devotion of the faithful wife made a strong impression even on the hardened officials, whose correspondence alludes to her in terms of respect and admiration.[2] More summary was the process when, in 1572, the Barcelona tribunal sent a commissioner into French territory on some duty, and he was seized and held as a hostage for a Frenchman arrested by the tribunal, leading to an exchange of prisoners.[3]

The Val d'Andorra furnished another source of international questions, for the Barcelona tribunal claimed jurisdiction over it, while Jeanne d'Albret, as Queen of Navarre, held that it was her fief. In 1572, she put a French veguer there to administer justice, whereupon the inquisitors commenced to gather information about him, as a presumable Huguenot, and the Suprema ordered them to arrest him if sufficient evidence could be found, but, as the attempt was likely to prove dangerous, it need not be made unless the viceroy would furnish a sufficient guard, which apparently he declined to do.[4]

All foreigners thus were objects of suspicion, and the jurisdiction of the Inquisition was stretched to the utmost to prevent their infecting the faithful. In 1572, the Suprema ordered the

[1] Dépêches de M. de Fourquevaux, I, 154, 163, 179, 197, 216, 218, 224, 234, 252, 291, 299, 310 (Paris, 1896).

[2] Archivo de Simancas, Inq., Leg. 1157, fol. 38.

[3] Ibidem, Lib. 82, fol. 69.

[4] Ibidem, fol. 71.

tribunals of Aragon, Catalonia and Valencia to see that no Frenchmen were employed as teachers of reading and writing anywhere within their districts, experience having shown the dangers thence arising.[1] Intercourse with foreigners was dangerous and was discouraged. In 1568, Inquisitor Moral, in reporting a visit to San Sebastian, expressed a desire to punish those who received and entertained and had particular friendship and dealings with French and English strangers, sometimes even giving them information enabling them to escape arrest, on all of which the Suprema commented by characterizing these as grave cases, which should have been sent to Logroño for trial.[2] The Spaniard, too, who went abroad was an object of suspicion, and was held to strict accountability for his acts during absence. In the Barcelona auto of June 21, 1627, there appeared a merchant of Manresa who, while in France, had listened to Huguenot preaching and had eaten flesh on Friday, for which he was penanced in a thousand ducats and was recluded in a convent for three years.[3]

That, under these influences, coupled with the growing poverty of Spain and the curse of its debased currency, the number of resident foreigners diminished greatly after the opening of the seventeenth century, may be assumed from the reduction in the cases of Protestantism in the records. Those of Toledo, from 1575 to 1610, show a total of forty-seven, of which the last one occurred in 1601, while those from 1648 to 1794 contain only eleven.[4] In Valladolid, the reports of twenty-nine years, between 1622 and 1662, show only eighteen cases.[5] In the Madrid tribunal, from 1703 to 1751, there is only a single case of a "Huguenot."[6] In the sixty-four autos celebrated by all the tribunals between 1721 and 1727, there are only three cases.[7] In Valencia, between 1705 and 1726, there was but a single case—a Calvinist who spontaneously denounced himself.[8] Scattering and imperfect as are these statistics, they suffice to indicate how rapidly the number

[1] Archivo de Simancas, *loc. cit.*

[2] Ibidem, Lib. 81, fol. 27.

[3] Parets, Sucesos de Cataluña (Mem. hist. español, XX, 20).

[4] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist, nacional, Inq. de Toledo, Leg. 1.

[5] Archivo de Simancas, Inq., Leg. 552.

[6] Ibidem. Lib. 876.

[7] Royal Library of Berlin, Qt. 9548.

[8] Archivo hist. nacional, Inq. de Valencia, Leg. 3, n. 7, p. 476.

of foreign delinquents fell off, after the year 1600, and th
was not the result of progress in enlightenment and tol
we shall see hereafter. It was simply that the Inquisitio
succeeded in its efforts to limit intercourse between Spa
its neighbors, and to isolate it from European civilization

If this was the case in regard to nations presumably Ca
we can readily conceive how much greater vigilance was
cised towards those which had lapsed into heresy. Comm
intercourse with them was unavoidable, but it was a nec
evil, to be restricted within the narrowest limits by deterren
lations. For awhile, indeed, the heretic trader took his li
fortune in his hands when he ventured to make a Spanish h
as we have seen in the case of the good ship Angel.
castaways were the legitimate prey of the Inquisition, a
experienced by seventeen English sailors of a fishing-boa
were captured by a French vessel and were thrown on sh
Fuerte Ventura, one of the Canaries. They were tried and e
burning by conversion, after which four of them, Richard
man, Edward Stephens, John Ware, and Edward Stride ma
to escape. As this showed them to be impenitent, they
prosecuted *in absentia* for relapse, and their effigies were so
burnt in an auto of July 22, 1587.[1] The number of me
vessels touching at the Canaries, in fact, furnished to the tr
at one time the major portion of its work. A record of pri
entered in its secret prison, during six months of 1593,
thirteen belonging to the German ship San Pedro, seven
the Flemish ship La Rosa, and fifteen to the Flemish s
Leon Colorado, besides a dozen English sailors whose ve
not specified. These comprise all hands, officers and
merchants and passengers, and presumably, if the cargoe
not confiscated, they were effectually looted in the abse
their guardians.[2] That such was the motive, rather than th
tection of Spain from the infection of heresy, is inferable f
sentence of the Granada tribunal, in 1574, condemning to
ciliation and life-long galley-service Jean Moreno, a Frenc
resident in Málaga, because he had warned some Prot
sailors not to enter the port of Almería.[3] When there was pr

[1] Birch, Catalogue of MSS. of the Inq. of the Canaries, I, 308–26
[2] Birch, *op. cit.*, I, 225–30, 303.
[3] Schäfer, I, 112; II, 45.

of a fat confiscation, indeed, the Inquisition paid little respect to the justice of the case or to the parties who might suffer. There was a long dispute between Rome and Madrid over two cargoes of alum, which the papal camera was sending to England, when the ships were seized and the cargoes sequestrated by the tribunal of Seville, on the ground that the English crews were heretics.[1]

This barbarous policy necessarily made itself felt in the cost of foreign commodities, especially after the troubles in the Netherlands had cut off or reduced that portion of the carrying trade. Under this pressure, in 1597, an exception was made in favor of the Hansa. Instructions were issued by the Suprema that, when its ships arrived with merchandise, the persons in them were not to be interrogated about their religion, nor on that account were the ships or cargoes to be sequestrated or confiscated, unless while in port they had offended against the Catholic faith and, in such case, only the property of delinquents was to be seized; search, however, for prohibited books was to be made, as was customary with Catholic vessels.[2] There was also an approach to admitting the Dutch, in a royal order of February 27, 1603, providing that Holland vessels and crews, bearing passports from the Archdukes of the Netherlands, were to be allowed entrance to Spanish ports, and their persons and property were to be secure, but this was revoked, December 11, 1604, subject to the twelve months' notice provided in the order.[3]

A treaty of peace with England, covering this matter, was ratified by James I, August $\frac{28}{18}$, 1604 and by Philip III, June 16, 1605. During this interval, in November, 1604, an English ship, with a crew of twenty men, coming for a load of corn, touched at Messina and then at Palermo. In the latter port it was visited by the officials of the Inquisition, when the men admitted that they were Protestants and wished to live in that faith. They were all arrested and appealed to the viceroy, the Duke of Feria. He was powerless save to write a private letter in which he declared that the arrest was a disservice to the king and tended to destroy the treaty agreed upon, wherefore the Inquisition ought to dis-

[1] Hinojosa, Despachos de la Diplomacia pontificia, I, 353, 377 (Madrid, 1896). The alum mines of Tolfa, near Civita Vecchia, were the source of considerable revenue to the Holy See.

[2] Archivo hist. nacional, Inq. de Valencia, Cartas del Consejo, Leg. 5, n. 2, fol. 104.

[3] Coleccion de Tratados de Paz; Phelipe III, P. I, pp. 161–2, 298.

semble and treat the heretics well, for the public goo
inquisitors thereupon assembled ten consultors, reaching
clusion that the Englishmen could be liberated only on c
of giving ample security that they would go to Spain and
themselves before the inquisitor-general. For strangers
a virtual impossibility, and it doubtless proved to be s
1605, we hear of certain Englishmen, who had been adı
penance with the sanbenito and required to live for two
certain monasteries for instruction in the faith; they had c
to escape, but were tracked and found on board a Fren
without their sanbenitos. As the tribunal did not care to
them, they were ordered to be distributed separately to
teries in the mountains, far from the sea, where they v
ten years, to perform labor without pay.[1]

When such irrational cruelty was habitual, internationa
and commercial interests alike demanded that a curb sl
placed on the irresponsibility of the Inquisition. Accord
the English treaty of 1604, Article 21 provided that the
of King James, coming to or residing in the Netherlands c
should not be molested or disturbed on account of ma
conscience, so long as they gave no occasion for scandal,
corresponding instructions should be issued by the king
Philip did, under the same date of June 15, 1605, order
English subjects should not be held accountable for acts
their coming to Spain. While in Spain they were not to
pelled to enter churches but, if entering voluntarily, due
must be paid to the Venerable Sacrament and, if it was
the street, they must kneel, or take another street or enter
If any one were prosecuted for contravention of these rul
his own property was to be seized, and not a vessel or c
the goods of others in his charge, and to the observance o
the king pledged his royal faith and word. The Supre
previously, December 11, 1604, issued instructions sir
those of 1597 for the Hansa; on July 14, 1605, it transm
the tribunals the articles of the treaty, but it seems to have
to the royal declaration, for it delayed until October 8th em
its provisions in a carta acordada.[2]

This was too reasonable to be acceptable to Spanish far

[1] La Mantia, L'Inquisizione in Sicilia, pp. 72–3.

[2] Tratados de Paz, *ubi sup.*, pp. 264, 354.—Archivo de Simancas,
942, fol. 56, 57, 59.

Archbishop Ribera, in 1608, varied his efforts for Morisco expulsion with an earnest appeal to the king, expressing the grief which he had never ceased to feel since he heard of the peace with England, fearing, as he did, the offence given to God which would bring many evils on Spain. His affliction had increased in view of the excesses committed by the English in Valencia, living publicly in their religion and causing great scandal and evil example to the faithful and, at much length and with many instances, he proved that peace with infidels was forbidden by Holy Writ. This memorial was duly considered in the Council of State, when the Comendador Mayor of Leon reported that the king had ordered the inquisitor-general to be notified, so that he might instruct the tribunals to exercise great vigilance and to punish all who gave occasion for scandal.[1]

When, in 1609, the twelve years' truce was concluded with the United Provinces, the Dutch naturally claimed the same privileges as the English, and these were embodied in Article 7 of the treaty.[2] The Inquisition did not submit quietly to this restriction on its powers and, in 1612, it issued a carta acordada, repeated in 1616, asserting that these privileges applied only to transient strangers, and that those who were resident and kept houses were subject to the tribunals in all matters of faith like any Spanish subjects; it invoked, moreover, an old regulation of 1581, ordering special watch to be kept on them, so that what they did in private as well as in public might be known, full reports being sent to the Suprema. In 1620 it revived another instruction of 1581 forbidding foreigners in the seaports to keep inns or lodging houses.[3] Whether any trouble arose from these arbitrary con-

[1] Boronat, II, 120–22.

The Roman Inquisition prohibited conversation with heretics, save by special licence, even for the purpose of converting them. When, in 1604, the Constable of Castile was about to depart for England as ambassador, and he consulted the Holy See, he was told that he did not require a dispensation to enable him to converse with them, but no concessions could be made as to communicating with them in baptisms and marriages. In 1617 the nuncio at Madrid asked instructions as to his conduct towards the English ambassador, and was told to hold as little intercourse with him as possible.—Decret. Sac. Cong. Sti Officii, pp. 156, 227, 231 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[2] Tratados de Paz, *ubi sup.*, p. 465.

[3] Birch, *op. cit.*, II, 1064.—MSS. of Royal Library of Copenhagen, 218b, pp. 198–99.

structions of international compacts does not appear, but at least they manifested a desire to render the position of foreign heretics as precarious and uncomfortable as possible.

When the truce with Holland expired, in 1621, of course the privileges of the Dutch were withdrawn and, when war with England came in 1624, the Inquisition eagerly assumed the office of purifying Spain from heretical infection. Inquisitor-general Pacheco informed the king that papal permission had been necessary to enable Philip III to enter into the treaty of 1605; now that the peace had been broken and the causes of the papal permission had ceased, he was, as inquisitor-general, obliged in conscience to obviate the evils of Catholic intercourse with such pertinacious and pernicious heretics as the English and Scotch, by not permitting them to remain in his Majesty's dominions, for otherwise he would be lacking in his duty to the king and to his office. He had therefore ordered an edict to be published that all Englishmen and Scotchmen, who were not Catholics, should leave the king's dominions within twenty days, notifying them that after that date they would be punished by the Holy Office. As it was a weighty matter, of which the king should be notified, Pacheco added that he had not wished to execute it without informing him and he could issue such orders as he saw fit.[1] It may be assumed that Philip did not approve of this insolent invasion of the royal power, for it was not till April 22, 1626, that he issued a proclamation forbidding all commercial intercourse with England and ordering the confiscation of all English goods imported in contravention of its commands, when the Inquisition followed by a carta acordada of May 29th, prescribing the prosecution, in the regular way, of all English heretics who had sinned against the faith.[2]

When peace was restored, in 1630, article 19 of the treaty revived the article of 1604 and Philip, as before, promised to provide that English subjects should not be molested so long as they caused no scandal.[3] As before, the Suprema followed this, January 28, 1631, with detailed instructions that those who kept house should be treated as Spanish subjects and be subjected to special surveillance.[4] This unjustifiable distinction between transient and resi-

[1] Archivo de Simancas, Inq., Lib. 19, fol. 239.—See Appendix.
[2] MSS. of Elkan N. Adler Esq.—Birch, *op. cit.*, II, 1069.
[3] Tratados de Paz, Phelipe IV, P. II, p. 226.
[4] MSS. of Elkin N. Adler Esq.

dent foreigners gave ample opportunity for molestation and blackmail. It was construed as applying the Index of prohibited books to residents for, in 1645, we find the Canary tribunal ordering its commissioner at Orotava to search the houses of the English merchants and report whether they found any forbidden books or books that had not passed the censure. The duty was performed and lists were forwarded, not only of books but of pictures and prints and, as nothing objectionable was reported, we may not uncharitably surmise that the commissioner's labor was not unprofitable.[1] As the rule had no legal basis, it probably called forth protests for, in 1652, the Suprema submitted the question of its legality to a number of calificadores, who unanimously agreed that it was not in accordance with the treaties, when presumably it was withdrawn.[2] The espionage to which foreign merchants were exposed is portrayed, in 1648, by Pedro de Villareal, commissioner at Bilbao, who reports that there were sixteen houses in which the English and Dutch traders were lodged; he was confident that nothing heretical could escape his knowledge, for the keepers of the houses were faithful spies and very zealous in matters of religion.[3]

A treaty of commerce with Denmark, in 1641, placed the Danes on the same footing as the English and, in the treaty of Munster, January 30, 1648, the Dutch obtained the same terms, while a special article placed the Hanse towns on the same footing as Holland.[4]

Meanwhile, in 1645, the English merchants in Andalusia, by a payment of twenty-five hundred ducats in silver, had secured certain commercial privileges, one of which indicates how grudgingly their treaty rights had been interpreted. A foreign heretic

[1] Birch, *op. cit.*, II, 563–66.

[2] MSS. of Elkan N. Adler Esq.

[3] Archivo de Simancas, Inq., Leg. 1526, fol. 7.

[4] Tratados de Paz, Phelipe IV, P. IV, p. 538; P. V, pp. 18, 322, 323, 324.

In 1646, a Dutch vessel, putting in to Majorca, was seized by the inquisitor, who imprisoned the captain and crew, but the royal officials took possession of the property in spite of inquisitorial protests, leading to an angry contest that lasted for years, the inquisitor refusing to obey repeated royal orders to remove the excommunications which he had lavished, until commanded to do so, March 18, 1649, by the Suprema. Finally, all that the tribunal obtained of the spoils was two hundred ducats to defray the maintenance of the prisoners.—Archivo de Simancas, Inq., Lib. 38, fol. 26, 71.

appearing in court, either as party or witness, was asked whether he was a Catholic; if he replied in the negative, his oath was not received. This humiliating and injurious distinction was abrogated, and the Englishman's oath was declared to be legal and binding, like the Spaniard's, but it was difficult to make the courts accept the innovation, and the royal order, issued March 19th had to be repeated June 26th and again November 9th. By the Munster treaties this privilege was extended to Holland and the Hanse towns, and it was confirmed by the treaty of Utrecht in 1713.[1]

We have seen how difficult it was to make the Inquisition respect municipal law, and it was not likely to regard international obligations. Excuses could readily be found to bring the hated foreign heretic under its jurisdiction and, in the chronic penury of the time, the opportunity of rich confiscations was not likely to be lost sight of. In 1621 we hear of a number of Englishmen arrested in Málaga, with sequestration of property, and the same occurred in Seville, in 1622.[2] Of one case we chance to have details—that of George Penn, brother of Admiral—then Captain—Penn, and uncle of William Penn, the Founder of Pennsylvania. He was in no sense a bigoted Protestant, or he would scarce have married a Catholic wife in Flanders. He took her to Seville, where he conducted a prosperous business until 1643, when he was arrested. His account of his sufferings is manifestly exaggerated though we may believe him when he says that he was tortured until he confessed all that was required of him—that he was a heretic who had married a Catholic in Antwerp, intending to take her to England and pervert her and their children from the faith. He was required to abjure in a public auto and ordered to leave Spain within three months, while his wife was taken from him and he says was married to a Spaniard. The property confiscated amounted, according to disinterested appraisers, to £6000 of his own and £6000 belonging to other parties. On his return to England, beggared and broken in health, he sought to obtain redress and, about 1664, Charles II appointed him envoy to Spain, to enable him to urge his claims to advantage, but being then 63 years old he did not venture to go. During the negotiations at

[1] Tratados de Paz, Phelipe IV, P. IV, pp. 548, 561, 575.—De Lamberty, Mémoires pour servir, VIII, 461 (La Haye, 1730).

[2] MSS. of Elkan N. Adler Esq.

Utrecht, William Penn endeavored to obtain consideration of this case, but apparently without success.[1]

The superb imperturbability of the Inquisition as to international obligations is evinced in a case occurring soon after the treaty of Munster. Paul Jerome Estagema, a citizen of Hoorn, was arrested at Alicante and tried by the Valencia tribunal. Influential people in Holland urged his release, and the Dutch ambassador, Anthony Brun, made forcible representations to the king, who wrote, September 15, 1651, to the Suprema, urging a prompt decision of the case and pointing out that, under the treaty, Estagema, as a citizen of the United Provinces, was not subject to the Inquisition. The royal request was treated with absolute indifference; Ambassador Brun kept urging the matter and, on December 16th, Philip repeated his application to the Suprema, and asserted the necessity of satisfying the Hollanders. Then the Suprema condescended to forward the royal letters to the tribunal, telling it to despatch the case without delay, which could readily be done as the trial had been finished on September 7th, and ordering it to report the sentence when pronounced.[2]

At this period, political exigencies rendered both France and Spain desirous of an alliance with England. Don Alonso de Cardenas, the Spanish ambassador, endeavored to negotiate a treaty with Cromwell in 1653 and again in 1655, but the Protector insisted on larger toleration. In the draft of the projected treaty, Articles 22 and 35 not only repeated the previous provisions but added that Englishmen conducting business in Spain should be permitted, in their houses and ships, to perform divine service in their own manner, and to use their Bibles and other books, and that they should not be arrested for so doing or their property be sequestrated. When the treaty was submitted to Philip, he sent these articles to the Suprema for its advice, protesting that he was unalterably resolved to risk all his dominions and spill the last drop of his blood, rather than to yield anything that would be to the disservice of God, or prejudice in the least degree the purity of religion. In response to this the Suprema declared that the royal words ought to be recorded in imperishable bronze; it easily proved that by divine, canon and municipal law, a sovereign had no right

[1] Howard M. Jenkins, The Family of William Penn, pp. 10–13 (Philadelphia 1899).

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 413, 414.

to permit such toleration; it quoted Gregory XV as ordering, in 1622, all rulers, under heavy penalties, to expel all heretics from their dominions, and it pointed out that heretics employed Catholic servants who would be corrupted, and that all cognizant of heresy incurred mortal sin and excommunication if they did not denounce it. These arguments were as applicable to the treaties of 1605, 1630, and 1648 as to the proposed one, but they sufficed; it was rejected, and Cromwell turned to France.[1] Doubtless Admiral Penn felt a special personal satisfaction, when he avenged his brother by wresting Jamaica from Spain in 1655.

A secret treaty, in 1656, between the wandering Charles II and Philip, pledged the former to bring about freedom of conscience in England, but was discreetly silent about toleration in Spain. With the Restoration, in 1660, peace ensued and the treaty of 1630 was revived. In 1663, when a new treaty was discussed, England again put forward the stipulations of Cromwell, and Philip again consulted the Suprema with the same result. On Philip's death, in 1665, the treaty of December 17th continued in force the provisions of 1630 and extended to all Englishmen the privileges grantey, in 1645, to those of Andalusia. Then, in 1667, the treaty of Mad 23d defined more clearly that the pretext of conscience should not be used to inflict injury on Englishmen or raise any dispute so long as no manifest public scandal was caused nor offence committed. In this shape the relations between the kingdoms continued; the treaty of Utrecht in 1713 and those of 1763 and 1783 merely confirmed that of 1667.[2]

With France, of course, relations were wholly different. When the Huguenot was grudgingly tolerated at home, he could expect

[1] Archivo de Simancas, Inq., Lib. 43, fol. 201; Lib. 25, fol. 121.—MSS. of Elkan N. Adler Esq.—Soler y Guardiola, Apuntes de Historia política y de los Tratados de Paz, pp. 163–4 (Madrid, 1895).

It is only fair to Spain to state that it was more liberal than Rome. The decrees of the Congregation of the Inquisition are numerous insisting that no heretic should be allowed in any Italian city, whether for trade or for residence, but Italian commercial instinct was too strong to permit the enforcement of these decrees in some of the states, notably Venice, and special privileges were granted even to some of the papal sea-ports, as Civita Vecchia and Ancona.—Decr. Sac. Congr. Sti Officii, pp. 6–8, 225 sqq, 233–4 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[2] Tratados de Paz, Felipe IV, P. VI, p. 274; P. VII, p. 413; Carlos II, P. I, pp. 13, 16, 162, 180.—De Lamberty, Mémoires, VIII, 381.—Collection of all the Treaties of Great Britain, III, 180, 377 (London, 1785).

no protection for his religion abroad, especially when, as in Spain, he could reside only by pretending Catholicism. The peace of the Pyrenees, November 7, 1659, merely provides, in article 5, that the vassals of each power shall have free ingress, residence and egress in the territories of the other, observing the laws and customs of the country.[1] This did not, however, preclude reclamation in cases of special malfeasance, as when, in 1672, the French ambassador Villars complained of an outrage in Majorca. A French ship, arriving there from Barbary, September 6th, with a cargo of wheat, chanced to have as a passenger a Huguenot of position, M. de la Fent, governor of the Bastion de France, with a large sum of money. On learning this, the inquisitor arranged to seize him and embargo his property; he assembled a force and armed two vessels with which to take possession of the French ship, and he would have done so had not M. de la Fent prevailed upon the master to make sail. The queen-regent forwarded this to the Suprema, October 28th, for explanation, but it was not until November 19th that it replied, merely saying that the inquisitor of Majorca had reported, on September 21st, the arrival of a heretic and that, on October 3d, it had ordered him to take such action as comported with the service of the queen, the public peace, and the consideration due to the subjects of the French king, who were to be treated like the English and the Dutch.[2]

As the attempt had failed, the Suprema made the best excuse it could, but with manifest equivocation, for the French heretic had not such treaty protection as the English. This was manifested, after the revocation of the Edict of Nantes, in 1685, when it was thought that fugitive Huguenots might have settled in Spain. In 1687, the papal nuncio and the French ambassador called the attention of the inquisitor-general to the matter, suggesting that the Holy Office should not permit their residence. Carlos II seconded their representations, and issued a cédula, February 28th, ordering his officials to lend all necessary assistance to the Inquisition. The Suprema sent this to the tribunals and followed it, June 14th, with detailed instructions, ordering a general perquisition to be conducted through the parish priests throughout Spain. Each tribunal was to collect the results, investigate them and vote, reporting the vote to the Suprema.

[1] Tratados de Paz, Felipe IV, P. VII, p. 122.

[2] Archivo de Simancas, Inq., Lib. 25, fol. 238.

Extreme vigilance was enjoined and the Suprema was t
informed.[1] Judging from such statistics of the perio
accessible, this proved to be a false alarm, leading to n
but none the less it indicates the dread inspired by the
of the intrusion of foreign heretics. There seems to h
a similar scare, in 1698, when the Suprema instructe
bunals to order all their commissioners to report whethe
districts, there were any heretics, transient or resident,
detail the nationality, sect, occupation etc. of each one,
without loss of time.[2]

This policy continued. In 1784 similar lists were c
The answer from Valencia showed how successful had
exclusion of Protestants, and how precarious was the p
those who ventured to reside in Spain. The tribunal
August 29, 1785, that it had instructed its commissione
where and, where there were no commissioners, sa
persons, to make this secret investigation, with the re
there were no Protestants in the kingdom of Valencia,
the city, where there were two—Mons. Champane, a Fr
and Dueclaux, whose nationality could not be ascertaine
were Protestants, although it was difficult to verify
on account of their extreme care in attending church and i
panying the sacrament when it was carried to the sick.[3]

With the outbreak of the French Revolution, the des
clude heretics extended itself to foreigners generally, with
of completely isolating Spain. In 1791 a decree of
required all foreigners to be registered; those who desi
naturalized must be Catholics and take the necessary
allegiance; transient residents were compelled to take ou
in which, among other details, their religion was specif
were not allowed to exercise any profession or art or cr
follow any retail trade, or even to be servants, and all
in such pursuits were given two months in which to leave
try.[4] When, however, the peace of 1795 put an end to
trous war with the French Republic and aroused appreh
an approaching rupture with England, there was a fever
to placate France, showing itself in a royal cédula of May

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 12, n. 1, fol. 89
[2] Ibidem, Leg. 10, n. 2, fol. 132.
[3] Ibidem, Leg. 4, n. 2, fol. 222; Leg. 16, n. 6, fol. 39.
[4] Novís. Recop. Lib vi, Tit. xi, Leyes 8, 9.

prohibiting all tribunals, including the Inquisition, from molesting Frenchmen on account of religion, but those only were to be recognized as Frenchmen who wore the tricolor cockade. When war broke out with England, a further advance was made; Carlos ordered his representatives abroad to assure all foreign powers that in Spain strangers enjoyed full liberty of conscience, and in August, 1797, he forbade the Inquisition to trouble foreigners about their faith.[1] We may be permitted, however, to doubt the sincerity of this. When, in the same year, the attention of the Valencia tribunal was drawn to a German merchant named Johann Foch, who called himself a Protestant, it applied at once to the captain-general to know whether he held the licence authorizing his residence in Spain, not being a Catholic. It proceeded with the case but suspended it because of his marriage with Bernarda María Pellicer, a parishioner of Santo Tomás.[2]

This liberality, whether genuine or not, was only a passing episode. A document of 1801 shows that the decree of 1791 was still in force, and that the Inquisition was relied upon to carry it into effect. It is a series of questions addressed by the Suprema to the tribunals, with the answers from Valencia, and explains itself.

Q. Whether, prior to the royal order of 1791, foreigners not Catholics were allowed to reside, in the cases provided by the treaties and, if they were not permitted, what measures were taken to ascertain whether they professed Calvinism?

A. In case of their not having the benefit of those treaties, as soon as the tribunal had knowledge of them, it made the requisite investigation and, on ascertaining it to be true, it notified them to quit the kingdom, if they had not special permission from the king.

Q. If investigation led to the belief that a stranger was Catholic and it was subsequently found that he was not, but that he did not speak ill of our religion, or cause scandal, or insult sacred objects, to what punishment was he condemned?

A. No recent case of this kind has occurred but, from some former ones, it is deduced that the Suprema was consulted.

Q. Have those who established themselves in Spain, in virtue of the royal order of 1791, complied with the formalities which it prescribes?

A. As no advice has been sent to this tribunal by the Junta del Comercio y Moneda, nor by the Intendente of the kingdom, it is inferred that no non-Catholic artists have established themselves, or else that the prescription to advise the tribunal has not been obeyed.

Q. Whether they (non-Catholic foreigners) contract marriage with Catholics and, in that case, what is the religion of the children?

[1] Art de Vérifier les Dates depuis l'année 1770, III, 350, 357.

[2] Archivo hist. nacional, Inq. de Valencia, Legajos 100, 387.

A. But one case of such marriage is known—that of Juan Foch, a German of Lindau, who called himself a travelling merchant, with Bernarda María Pellicer of this city. This was in virtue of a papal brief, passed by the Council of Castile and with the royal exequatur, providing that he should allow his wife to remain a Catholic and his children to be brought up in the same faith, and she promising to persuade him to conversion. They were married privately, outside of the church and without banns or other public ceremonies. We learn from the Vicar of Los Santos Juanes, where they live, that they cause no scandal, comply with the obligations and that a boy has been baptized.

Q. Since the royal order, about how many non-Catholic strangers have established themselves, naming some of the principal ones and their nation or sect?

A. This could be answered only by examining the registers required to be kept by the captain-general and royal justicias. This tribunal can only have notice by denunciations, which has occurred only with Foch.

Q. How many *autillos públicos* have been held with strangers since 1759 when Carlos III ascended the throne? State the name, country, religion and principal offences.

A. Since 1759 there has been no autillo público for strangers.[1]

This document has interest not only as showing the continued vigilance as to foreign heretics, but as indicating how thoroughly successful had been the policy of exclusion. The district of the tribunal embraced a long stretch of sea-coast, including such commercial cities as Valencia and Alicante, yet the non-Catholic stranger was still almost unknown, as he had been when the report of 1785 was made. Spain was a land to be shunned by all who were liable to be dealt with by the Inquisition, and it was left to its isolation. For those who ventured it, concealment of heresy was worse than its avowal. David Bonoran, a French Protestant, domiciled in Bilbao, succeeded in passing as a good Catholic. Becoming converted, he applied to the tribunal of Logroño to abjure his errors and be incorporated in the Church, when, in 1791, he was promptly prosecuted for having feigned Catholicism.[2]

This sensitiveness survived the Peninsular War and was vigorous to the last. In 1816 there is considerable correspondence respecting the wife of Don Rufino de Acha, settled in Bilbao as a merchant, who had married in England a Protestant named Doña Juana de Ancell—presumably Jane Hansell. From this it appears that, after a discussion lasting nearly a year, she was given the alternative of leaving Spain or of conversion and that she accepted the latter.[3]

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 243.

[2] Ibidem, Leg. 100.

[3] Archivo de Simancas, Inq., Lib. 559.

This persistent dread of heretics is vividly reflected in one of the last acts of the Suprema prior to its suppression. In 1819 it issued an elaborate series of instructions for the guidance of commissioners at the sea-ports in the *visitas de navios*, or examination of all ships on their arrival. This was principally intended to prevent the introduction of prohibited books, which will be considered hereafter, but the sections devoted to heretics show that the regulations adopted at the treaty of 1605 were still in force. Foreign heretics were not to be prosecuted for acts committed abroad but, for anything done in Spain and causing scandal, they were to be arrested and transmitted to the tribunal for trial. They were not to be compelled to enter churches but, if they did so, they were to pay due respect to the Sacrament and, on meeting it in the street, they were to kneel or remove themselves out of the way. Strangers were forbidden to keep public houses for the entertainment of Protestant shipmasters and sailors or travellers. The commissioner was to be vigilant in ascertaining and reporting to the tribunal everything they said against the Catholic faith, how they behaved in public and in private and whether any scandal was caused to the faithful.[1] Spain was the same as it had been two centuries before.

There was one exception, however, to the prohibition of the hated presence of heretics on Spanish soil. Constantly recurring war necessitated the employment of whatever troops could be had, irrespective of their spiritual condition. It was the German bands of Lutherans under Georg Fronsberg who sacked Rome for Charles V in 1527. Foreign mercenaries were continually in Spanish service, and they grew more indispensable in the seventeenth century with the decline both in population and military ardor. The revolts of Portugal and Catalonia, in 1640, rendered Spain the battle-field, and recruits from any source were welcome, who of course could not be subjected to inquisitorial interference, no matter what their faith. The Inquisition in vain pointed out the dangers thence arising. In a consulta of November 13, 1647, the Suprema related with grief that four hundred German soldiers, landed at San Sebastian, on their way to Catalonia, were disseminating their errors, distributing heretic books and outraging images.[2] There was no help for it and, after war had ceased on

[1] Archivo de Simancas, Inq., Leg. 1473.
[2] Ibidem, Lib. 23, fol. 46.

Spanish territory, the employment of foreign regiments continued to excite its susceptibilities. In 1668, the Suprema arguing in a consulta for the maintenance of its prerogatives, urged that they were especially necessary, in view of the presence of such bodies of soldiers, many of whom were heretics.[1]

Still, there was an effort made to preserve the Spanish organizations from wolves in sheep's clothing. Fernando VI issued a decree, December 31, 1756, imposing the death-penalty on any heretic who pretended to be a Catholic in order to enlist and, in 1765, Carlos III modified this to expulsion from the kingdom under pain of ten years' labor in the *bagne*, adding that, if the heretic when enlisting had sworn that he was a Catholic, he should run the gauntlet twice before expulsion.[2]

There was some slight compensation, for the presence of these heretics, in the field which they furnished for missionary work. There were frequent conversions, especially when the chaplains were zealous for the salvation of souls. One of these was Francisco Columbano Burke, chaplain of the first Swiss battalion, who held a faculty for this purpose as commissioner of the Inquisition. He writes, May 23, 1764 from Tarragona to the Barcelona tribunal, forwarding the abjurations of six converts in the Swiss regiment of St. Gall and giving the names of twenty-four others, who were ready for conversion. They were duly gathered in when there proved to be ten Calvinists and fifteen Lutherans.[3] The exclusive jurisdiction of the Inquisition over heresy rendered its interposition necessary in this, for it alone could admit the heretic to incorporation in the Church, it alone could judge of the degree of his sin, determine whether he was rightfully a son of the Church through baptism, and whether he was worthy of admission through repentance. In theory he was a heretic spontaneously denouncing himself and, when these conversions became frequent, early in the seventeenth century, they took the form of a regular trial, in which the fiscal acted on one side and the convert had counsel assigned to him on the other while, in the form of abjuration administered, he pledged submission to the penalties of relapse in case of backsliding.[4] Indeed the Suprema felt it necessary, April 22,

[1] Archivo de Simancas Inq., Lib. 25, fol. 98.

[2] Ibidem, Leg. 1465, fol. 81.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[4] Archivo de Simancas, Inq. de Toledo, Leg. 109, n. 8; Leg. 108, n. 11, fol. 2.—MSS. of Am. Philosophical Society.

1605, to warn the tribunals that foreigners coming forward voluntarily and confessing their errors were not to be imprisoned but were to be welcomed; their reconciliation was to be in the audience chamber, without sanbenito or confiscation, and with spiritual penances only; then they were to confess their errors sacramentally and receive absolution for their sins.[1] Heresy, even congenital, was a mortal sin, to be duly atoned for.

Subsequently the rigor of these formalities was abandoned and the process was facilitated, although it was still formidable. Printed instructions for commissioners, apparently drafted in the eighteenth century, prescribe a minute examination into the life and history of the convert and his motives, so as to be satisfied that his object is really salvation. All details as to his baptism are to be specially inquired into, so as to be assured whether or not he is really baptized, and, if there is any doubt, proceedings are to be suspended until the tribunal can be consulted. He is also made to specify all the errors of his former religion, and to utter a profession of faith in which he promises to reduce, as far as he can, all heretics to Catholicism and to denounce them to the Inquisition. He is also to be asked whether he knows of any heretics save those permitted for the sake of trade, and whether any of the latter have transgressed the conditions of their residence. Also, whether he has ever professed Catholicism, and whether he has been instructed in it sufficiently to incur the obligation of its profession, in which case he is required to abjure and to be formally reconciled and is absolved from the excommunication which he has incurred, while, if he has never known Catholicism, he is absolved *ad cautelam*. If he is less than 25 years of age, a curador is to be appointed, with all the formalities, who is to be present and to consent to all the proceedings. There is suggestiveness in the contrast of this cautious detail with the multitudinous sprinkling by which Jews and Moors were incorporated in the Church.

Among converts the most curious case in the records is that of Joh. Heinrich Horstmann—with many aliases—of Borgenstreich, who supported himself during a long life by trading on the rivalry between Protestantism and Catholicism. Born about 1663, he was educated as a Catholic by the Jesuits of Prague. When about

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.

25, he changed his religion at Dresden, studied at Wittenberg, and for many years wandered through Germany, living on charitable contributions given to him as a convert. He even went to England, where the Archbishops of Canterbury and York assisted him. Then, in the Protestant cantons of Switzerland, he supported himself as a Catholic ready for conversion, and in the Catholic ones as a Lutheran seeking salvation in the Church. Finally in the latter capacity he hit upon the lucrative device of saying that he had been baptized in the Lutheran fashion of one person administering the material and another the form; theologians would pronounce this invalid, and that rebaptism was necessary; some prominent person would be induced to act as godfather and would encourage him with a donation of twenty or thirty ducats, and possibly there was an additional collection from the faithful. On this he traded for the rest of his life, varied with an episode of having himself circumcised in Amsterdam and living for some years on the Jews there. This subsequently gave him trouble, for in Rome he was recognized as a Jew, he was tried by the Inquisition and sent to the galleys for ten years, after which he resumed the profession of a candidate for baptism. From Lisbon to Paris and Naples, he imposed on the credulity of the faithful, and it was reckoned that in all he had been baptized twenty-one times. A second visit to Spain, however, brought his career to an end in his eighty-ninth year. Repeated baptisms in Cádiz, Madrid and Valencia aroused suspicion. All the tribunals were ordered to be on the watch for him and, after a year of searching, he was arrested at Valencia in 1751. He told his story freely and fully; at first he said that his repeated baptisms were merely to gain a living, but subsequently he asserted that he was possessed by a demon, whom he hoped to eject by the repetition of the rite. The *consulta de fe* voted that, as an apostate and relapsed heretic and *diminuto* he had forfeited his life, but that efforts should be made to save his soul, after which another vote should be taken. At this conjuncture he fell mortally sick; he refused to speak to those who sought his salvation and, when one of them told him, if he desired to die in Calvinism, to squeeze his hand, he seized it with such a grip that assistance was necessary to unloosen it. Thus he passed away in his heresy on February 28, 1752; the body was buried in unconsecrated ground in a box of quick-lime

and, in an auto held August 26, 1753, the bones and effigy were reduced to ashes and scattered.[1]

Thus, when divested of legendary amplification, Spanish Protestantism is seen to have been of importance only as serving to tighten the bonds which restricted the development of the nation. One of the most efficient means to this end remains to be considered in the censorship of the press.

[1] Archivo hist. nacional, Inq. de Valencia, Legajos 30, 31.

Horstmann merely imitated a Jew who, about 425, similarly had himself repeatedly baptized by rival sects, until a miracle arrested his career at the hands of Paul, Bishop of the Novatians.—Socratis H. E., VII, 17.

CHAPTER IV.

CENSORSHIP.

CENSORSHIP of the press was not the least effective function of the Inquisition in arresting the development of the Spanish intellect. That it should suppress the utterance of heresy in print as well as in speech would appear to be inevitable, and yet no such power was included in the commissions of the earlier inquisitors-general, nor at first was this regarded as one of its duties. It is true that, as early as 1490, it burnt a large number of Hebrew Bibles and other Jewish books and, soon afterwards in Salamanca, it consigned to the flames in an auto some six thousand volumes of works on Judaism and sorcery.[1] We have seen also that Ximenes in Granada burnt a mass of Moorish MSS., but these were extra-judicial acts, which there was none to call in question. In the Instructions issued by Torquemada and his immediate successors, there is no reference to censorship as an inquisitorial duty and, in the earliest manual, printed in Valencia in 1494, the only allusion to it is the prescription, derived from the canon law, that any one obtaining possession of an heretical book is bound, within eight days, to burn it or to deliver it to the bishop or inquisitor.[2]

In fact, the matter was not regarded as pertaining especially to the Inquisition. The earliest provision for censorship, called forth by the development of the art of printing, is a faculty granted, March 17, 1479, by Sixtus IV to the rector and dean of the University of Cologne, to proceed with censures against the printers, sellers and readers of heretical books.[3] Alexander VI, in 1501, assumed it to be an episcopal function, when he called on the German bishops to keep a vigilant watch on the press.[4] So Ferdinand and Isabella, in 1502, when they promulgated the earliest law regulating the issue of books, made no mention of the Inqui-

[1] Llorente, Añales, I, 177.
[2] Repertor. Inquisit. s. v. *Libri*.
[3] Reusch, Der Index der verbotenen Bücher, I, 56.
[4] Raynald. Annal., ann. 1501, n. 36.

sition. This law formed the basis of all subsequent legislation, and its uncompromising character foreshadowed the relations that were henceforth to exist between the government and the intelligence of Spain. No book was to be printed, imported or exposed for sale without preliminary examination and licence. In Valladolid this duty was imposed on the president judges of the royal courts; in Toledo, Seville and Granada on the archbishops, in Burgos on the bishop, and in Salamanca and Zamora on the Bishop of Salamanca, who were to act through examiners, paid by a moderate salary, not oppressive to booksellers and printers. When a MS. had been thus licensed, it was, after printing, to be carefully compared with the sheets to see that no changes had been made. Any book printed or imported and offered for sale, without such licence, was to be seized and publicly burnt; the printer or vendor was incapacitated from continuing in business and was fined in twice the amount received for any copies that he might have sold.[1] That the censorship thus created was enforced with more or less regularity may be inferred from a remark of Chancellor Gattinara, in 1527, reassuring Erasmus against expected attacks—that nothing was permitted to be published in Spain without careful previous examination, and he fervently wished that an equally wholesome rule could be established in Germany.[2]

The motive for this sharp and comprehensive legislation can only be conjectured. Before the Reformation there was little demand for the services of the censor. The Church was worldly; its supremacy in all matters of faith and discipline seemed to be so immutably established that it regarded with good-natured indifference abstract speculations such as those of Marsiglio Ficino, Pomponazzi and Agustino Nifo, and concrete ridicule like that of Sebastian Brandt, Thomas Murner and Erasmus. It was otherwise when the Lutheran revolt threatened the overthrow of Latin Christianity and spread with such rapidity that no man could foretell its limits. We have seen that, as early as 1521, Rome called upon Spain to prevent the introduction and dissemination of Lutheran writings, and that Cardinal Adrian promptly assumed that it was the function of the Inquisition to do so. There is no trace of any delegation of such faculty, from either the Holy See or the civil power, but his action was not likely to be called

[1] Nueva Recop., Lib. I, Tit. vii, ley 23.

[2] Erasmi Epistt., Lib. XXVII, Ep. 33 (Londini, 1642).

in question, and the civil authorities were under oath to
mandates of the inquisitors, where the faith was
Accordingly, his decree of April, 1521, is couched in
absolute terms; the books in question had been prohi
the inquisitors and spiritual judges, wherefore the tribu
instructed to order, under heavy censures and civil pen
no one should possess or sell them, whether in Latin or
but should, within three days after notice, bring them to
sition to be publicly burnt; the edict was to be publi
sermon of faith and, after publication, any one pos
selling them, or knowing that others possessed them
denouncing the offenders, was to suffer the penalties a
by the inquisitors, while all ecclesiastical and secular a
were ordered to render whatever aid might be necessary

Thus, at a bound, the Inquisition claimed and exe
power of enforcing the prohibition of condemned bo
next step—that of condemning books—would seem to
taken, in 1525, in an order to the vicar of Alcalá de H
seize all copies of a certain book of expositions of the
Then followed, in 1530 and 1531, various edicts showing th
of the Inquisition in exploiting its new field of action. Th
were printing their works under assumed names, or addi
commentaries to authorized books, for the detection of
utmost vigilance of the tribunals was invoked; a clau
be added to the Edict of Faith requiring the denuncia
such works; the tribunals were to send executory lett
towns demanding the surrender of Luther's writings, an
persons were to be appointed to investigate the book
search of this evil literature. When, in 1535, the tribunal
cia admitted that it had neglected to do this it was co
to make the appointments forthwith and to have all c
books seized.[3]

The Inquisition had assumed and was exercising au
condemn books, to seize those in circulation and to pu
possessors, although it had no formal authority for any
acts. It seems to have felt that the punishment of offe
least, required papal faculties and, when Inquisitor-gener
in 1539, succeeded Manrique, a clause was inserted in

[1] Archivo de Simancas, Inq., Lib. 73, fol. 182.
[2] Ibidem, Lib. 940, fol. 1.
[3] Ibidem, Lib. 76, fol. 343, 401; Lib. 77, fol. 355; Lib. 940,

mission empowering him and his successors to proceed against those who owned or read heretical books.[1] The authority of the Holy Office was thus complete with regard to books after they were printed, but as to the equally important function of granting licences to print, its policy at first varied somewhat. The law of 1502 had confided this duty explicitly to judges and bishops, but, in 1527, the Inquisition invaded this by granting licences for Antonio de Obregon's translations of some of St. Bernard's and San Vicente de Ferrer's works. Even individual inquisitors seem to have arrogated to themselves power to grant licences for, in 1530, the Suprema forbade them to do so, but it assumed for itself entire control over the matter, in 1536, by issuing orders that no book should be printed without a preliminary examination by the Holy Office.[2] Reflection, and possibly experience, however, showed that this assumption of power carried with it a responsibility that occasionally might prove embarrassing, for books which it thus approved might subsequently, in the growing sensitiveness of orthodoxy, be condemned, and a carta acordada of 1550 definitely prohibited all such licences, adding that the Suprema did not grant them.[3] It was wiser that preliminary approval and subsequent judgement should be in different hands, and this was provided for in an edict of Charles V and Prince Philip, in 1554, confining to the Royal Council the duty of issuing licences, after careful examination of the MSS. submitted, which, in the case of all important works, were to be retained for comparison with the printed sheets.[4] Yet the Inquisition retained the right to stop the printing of any book denounced to it as heretical, and it seems for awhile to have occasionally issued licences, for a carta acordada of 1575 alludes to the approval of books and their licensing by inquisitors.[5] This was probably the end of it, and the Inquisition tacitly declined to risk its reputation for infallibility by approving books in advance, which it might subsequently have to condemn.

The Inquisition thus restricted itself to the duty of condemnation.

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[2] Archivo de Simancas, Inq., Lib. 940, fol. 2; Lib 78, fol. 16.—Llorente, Añales-II, 376.

[3] Archivo de Simancas, Inq., Lib. 939, fol. 62.

[4] Nueva Recop., Lib. II, Tit. iv, ley 48.

[5] MSS. of Royal Library of Copenhagen, 218[b], pp. 331, 332.—Archivo de Simancas, Inq., Lib. 940, fol 6, 16.

The prohibition might be total and the book be wholly suppressed, or partial, in which case its circulation was suspended *donec corrigatur*—until it should be expurgated of passages regarded as erroneous, misleading or offensive. For this duty it provided no machinery and did not profess to take the initiative. In the Edicts of Faith, it was made the duty of everyone to denounce whatever was contrary to the faith, and there were plenty of acute theologians and captious critics to whom it was an agreeable task to call attention to any word or sentence or proposition to which exception could be taken. The book was then submitted to calificadores, and their verdict, whether for suppression or expurgation, was submitted to the Suprema, or the book itself might be sent there for examination; in any case the decision rested with it and was communicated to the tribunals by an edict, which was read in all the churches and affixed to their portals, so that no one could plead ignorance. All who possessed the inculpated book were summoned, within a limited time, to surrender it for suppression, if it were prohibited, or for expurgation if objectionable passages were to be blotted out, and this under penalty of excommunication and fine, with threat of prosecution for persistent disobedience.[1]

Everything thus centred in the Suprema, whose action was required in even the most trivial matters, and its correspondence on these affairs was incessant. As condemnations and expurgations multiplied, it became impossible to trust the records of the tribunals or the memory of the faithful. Some authentic list or catalogue was required to aid inquisitors in their work, and to warn booksellers and readers, and thus gradually was developed the *Index Librorum Prohibitorum* or *Expurgandorum*, which has become one of the most efficient of instrumentalities for repressing the human intellect and aiding the forces of reaction. Henry VIII has the credit of setting the example, in a brief list of prohibited books, issued in 1526, although in the same year Charles V published in the Netherlands a *plakaat* naming half a dozen authors whose books were to be burnt. The earliest allusion that I have met to such a catalogue in Spain occurs in a letter of September,

[1] MSS. of Royal Library of Copenhagen, 218b, pp. 214, 319.—Archivo de Simancas, Inq., Lib. 940, fol. 4.—Archivo hist. nacional, Inq. de Toledo, Leg. 498.—Modo de Proceder, fol. 74 (Bibl. nacional, MSS., D, 122).—See Appendix.

This was the ordinary process, but of course the Suprema could take the initiative, as it occasionally did, and order inquisitors to examine books and act on the result.—Archivo de Simancas, Inq., Lib. 940, fol. 3.

1540, from the Suprema to Loazes, then Inquisitor of Barcelona, complaining of the inefficiency of the efforts to prevent the importation of prohibited books, which the Germans were using every means to disseminate, while merchants and booksellers felt no fear of the penalties imposed by the Inquisition. Greater activity and heavier punishment were necessary, for which instructions were enclosed, with a list of prohibited and suspected books, to which Loazes was to add his suggestions.[1]

This was merely for use within the Inquisition. The first formal printed Index was compiled, in 1546, by the University of Louvain. A copy of this was sent, in 1547, to Inquisitor-general Valdés, at Seville, who forwarded it to the Suprema. This had it printed, with an Appendix containing the books prohibited in Spain, and sent it out, September 1st, to the tribunals, with some MS. additions of later prohibitions.[2] This is the earliest Spanish Index, hitherto unknown, which has left no other trace, and it serves to mark the commencement of another duty undertaken by the Suprema, that of examining books for the purpose, without awaiting denunciations, for, in 1545 there is an order to pay Dr. Alvaro de Moscoso forty ducats for labor of this kind.[3] Then, in 1550, the University of Louvain issued an enlarged list and this, by order of Charles V, was reprinted and circulated by the Inquisition in 1551, with its own additions, constituting what has been reckoned as the first Spanish Index.[4]

The energies of the Suprema were now turned to the Scriptures. Vast numbers of Latin Bibles had been circulated, correct as to the text, but rendered insidiously dangerous by heretical notes and commentaries. Many of these were contained in the Index of 1551, and diligent search was made for others at Salamanca and Alcalá, and their errors were scrupulously noted. The results of these labors were communicated to the tribunals, with orders to examine all the Bibles seized under the Index of 1551; if among them were found editions not in the list enclosed, they were to be scrupulously examined by learned men and be sent to the Suprema, which would then determine what was to be done with the great accumulation of corrupt Bibles in the land. It concluded not to

[1] Archivo de Simancas, Inq., Lib. 78, fol. 291.
[2] Ibidem, Lib. 79, fol. 164; Lib. 942, fol. 15.
[3] Ibidem, Lib. 940, fol. 41.
[4] Reprinted by Reusch in his useful volume "Die Indices der Sechszehnten Jahrhunderts."—See Archivo de Simancas, Inq., Lib. 940, fol. 2.

order a wholesale destruction and, in 1554, it issued the first Expurgatory Index, devoted to the Scriptures, specifying the edition and the passages to be *borrado* or blotted out; this was sent to the tribunals with orders for its publication everywhere. All the Bibles seized and all that might be brought in were to be expurgated and returned to their owners, with a certificate. After the expiration of the term of grace allowed, the most strenuous efforts were to be made to ascertain whether any prohibited or unexpurgated Bibles remained in the hands of individuals or institutions, the owners of which were to be punished with the utmost rigor.[1]

It was evidently the books conveyed by Julian Hernández that furnished a fresh list sent to the tribunals, October 22, 1557, of works described as printed in Venice and brought from Flanders and Germany by a Spaniard to Seville. Edicts concerning them were to be published everywhere, the book-shops were to be sedulously searched and any one found in possession of them was to be punished with the greatest severity. This was followed, September 2, 1558, by an additional list of books ordered to be burnt.[2] The Suprema was thus obtaining material for an independent Index. Paul IV had caused one to be compiled in 1557, which was printed and suppressed, to appear, in 1559, in an authentic form.[3] The Spanish Inquisition, however, already asserted its independence of the Roman Holy Office in these matters; the excitement over the Lutherans of Valladolid and Seville suggested a comprehensive prohibition of heretic books; Valdés procured from the pope the necessary delegation of power and, in 1559, the first indigenous Index appeared. It was distributed to the tribunals with instructions that all books contained in it were to be called in; those of heretic authors were to be publicly burnt in the autos, and the rest carefully stored, making lists of them and of their owners, which were to be sent to the Suprema for its action. Books on the humanities and Catholic books with heretic notes, if the latter could be effaced, were to be returned to the owners; all anonymous books and books without imprint of place and printer and all books printed abroad since 1519 were to be seized and examined and, if found suspicious, were to be detained. The

[1] Archivo de Simancas, Inq., Lib. 942, fol. 16, 17, 19; Lib. 940, fol. 2; Lib. 79, fol. 213; Sala 40, Lib. 4, fol. 211.

[2] Ibidem, Lib. 942, fol. 21; Lib. 940, fol. 2.

[3] Reusch, Der Index, I, 258.

general clause in the Index, covering all books savoring of heresy, was explained to mean that everything not contained in it that was heretical or suspect was to be seized, and whenever there was doubt the Suprema was to be consulted.[1]

The preparation of the Index had been a work of no little labor and perplexity. Among others, the learned Doctor Francisco Sancho had for some years been employed by the Suprema in examining and seizing books and, early in 1559, he wrote that he had a large number in his possession and that, in the course of his duties many doubts had arisen, which he set forth in a series of questions. One of these suggests the difficulty of censorship applied to a theology undergoing reconstruction at the Council of Trent, but which was assumed to have been unalterable from the beginning. Sancho calls attention to the clause in the edicts forbidding all books containing any thing against the faith and the Church and its observances. There are many books, he continues, containing such errors, as those of Richard of Armagh, Durandus, Caietano, the Master of Sentences, Origen, Theophylact, Tertullian, Lactantius, Lucian, Aristotle, Plato, Seneca and others, much used both in and out of the schools, and it is doubted whether they can be permitted under condition of noting the errors. The Suprema shrank from the absurdity of suppressing the works of the most eminent medieval theologians and the leading classics, and it graciously allowed their circulation until further orders.[2]

The issue of the Index was followed by a vigorous search through all the book-shops and libraries of Spain. Examiners or revisors were appointed everywhere, with instructions to scrutinize all collections of books, whether in shops, monasteries, universities and private libraries, to detect not only those named in the Index but all others containing suspicious matter. All owners of books were commanded to submit them for examination, under penalty of excommunication and two hundred ducats. Not only the prohibited books but all regarded as suspicious were to be sent, together with information as to their owners, to the Suprema, which would do justice in the premises.[3]

The examination of all the books accumulated in Spain was a

[1] Archivo de Simancas, Inq., Lib. 79, fol. 139.

[2] Ibidem, Lib. 942, fol. 15; Lib. 79, fol. 140, 164.

[3] Ibidem, Sala 40, Lib. 4, fol. 233.—See Appendix for the commission of an examiner.

formidable undertaking, but it was attempted to the discomfiture of all men of culture and learning, and the raising of innumerable questions which gave ample occupation to the Suprema. A specimen of this is found in the report of Fray Pedro de Quintanilla of Valladolid, concerning books in his hands belonging to Bartolomé de Robles, a prominent bookseller. Most of these, he says, are of Erasmus, such as the Adagia, Paraphrases and Anotaciones which are not prohibited, and he thinks may be returned to the owner, to which the response is that books of Erasmus not in the Index may be returned. Then there is Conrad Gesner *de Piscibus et de Avibus*, containing only the painted bird and fish, which he thinks may be returned, which is assented to. Then there is a book called Petrus Galatinus, containing a tract "De Arte Cabalistica;" if this were removed, some who have examined it say that the rest is good, to which the reply was to take out the cabalistic tract and return the book. Then there are other books, which have prologues or annotations by heretics, and he thinks that. if the names of such authors were blotted out, the books might be returned, as to which he was told to specify the books.[1] We can readily conceive the exasperation caused by this laborious and meddlesome trifling, and its repressive influence on the studies of the learned.

All this was in furtherance of a savage pragmática evidently motived by the Lutheran scare. It was issued September 7, 1558, by the Infanta Juana in the name of Philip II, and shows that the civil power coöperated with the Inquisition, while providing an effective machinery for a state censorship. It recited that, in spite of the law of 1502 and the labors of inquisitors and bishops, there were many heretical works in circulation, and that foreign heretics were making great efforts thus to disseminate their doctrines, while there were also many useless and immoral books, so that the Córtes had petitioned for a remedy. It was therefore ordered, under penalty of death and confiscation, that no bookseller or other person should sell or keep any book condemned by the Inquisition, and all such books should be publicly burnt. The Index of prohibited books must be printed and every bookseller

[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 235.—*Conradi Gesneri de Differentiis Animalium* is prohibited in the Index of 1559 (Reusch, Die Indices, p. 219). The Index contains several clauses prohibiting all books of divination, necromancy, invocation of demons, etc. (Ibid., pp. 217, 226, 227, 236), but there is nothing specially against the Cabala.

must keep a copy exposed, where the public could consult it. No books in Romance printed abroad, even in the kingdoms of Aragon, were to be imported, under the same terrible penalty, unless they had a printed licence from the Royal Council, but books in Romance previously printed abroad, and not prohibited by the Inquisition, were to be presented to the local magistrates, who were to send lists of them to the Royal Council for decision, pending which they were not to be kept for sale under pain of confiscation and exile. Moreover, a general inspection was ordered of all books in the kingdom; those in book-shops and private libraries by the bishops, in conjunction with royal officials and universities, and those in religious houses by the superiors of the Orders. Everything regarded as suspicious or immoral was to be sequestrated, until judgement should be passed upon it by the Royal Council, and this was to be repeated annually.

Existing and foreign books being thus provided for, a stringent censorship of the press was organized. Death and confiscation were decreed for any one who should give out for printing a book without first submitting it to the Royal Council for examination when, if found unobjectionable, a licence would be issued. To prevent alterations, every page of the MS. must be signed by a secretary of the royal chamber, who must rubricate every correction and state at the end the number of pages and corrections. After printing, the MS. must be returned with one or two printed copies for comparison. Every book must have in front the licence, the *tassa* or price at which it was sold, the privilege, if there was one, and the names of author, printer and place of publication. New editions were subject to the same regulations, but legal documents and official papers of the Inquisition and the Cruzada Indulgence were excepted. Even writing was subjected to the same restrictions as printing, for death and confiscation were threatened for all who should own or exhibit to others a MS. on any religious subject without submitting it to the Council, which should either license it or destroy it. This ferocious law was confirmed, in 1627, by Philip IV and remained unrepealed until the Revolution, its enforcement being rigorously enjoined by Carlos IV, in 1804.[1] That any one suffered death for its violation is

[1] Nueva Recop., Lib. I, Tit. vii, leyes 24, 33.—(Novís. Recop. VIII, xvi, 3; xviii, 1).—Alcubilla, Códigos antiguos españoles, p. 1580.

In 1746, the preliminary examination of MSS. for licences to print was entrusted by the Royal Council to the Real Academia de la Historia, a duty limited

unlikely, and inquisitorial trials of theologians show that they accumulated masses of papers on religious subjects without thought of submitting them to the Royal Council, but the impediments which it threw in the way of authorship were rigidly enforced and coöperated with the Inquisition in exercising a most repressive influence on the intellectual progress of Spain.

It was not difficult to secure from the papacy its aid in rendering this censorship effective. The Suprema, in its letter of September 9, 1558, to Paul IV respecting the Lutheran development, called attention to the negligence of confessors in requiring their penitents to surrender prohibited books and to denounce offenders, and Paul, in a brief of January 5, 1559, commanded all confessors in the Spanish dominions to enquire of penitents whether they owned or read such works, or knew of any one owning or printing or selling them, when absolution was to be refused, unless the books were surrendered or the culprits denounced. For obedience to this, on the part of confessors, remission of sins was promised, while negligence was threatened with fines, deprivation of functions and benefice and disability for reinstatement, penalties which were discretional with the inquisitor-general.[1]

Thus papal, royal and inquisitorial powers were concentrated in the effort to purify the land of heretical literature. By the Edicts of Faith and by the confessional the whole population was enlisted as spies and informers on those who contravened the

by Fernando VII to those concerning the history of Spain and the Indies. The records of this censorship have been printed by the Academy (Boletin, XXXV, 369–434). Each MS. was submitted to one or more members and there were three classes of censure—favorable, unfavorable and doubtful, the latter equivalent to the *donec corrigatur* of the Index, when the author had an opportunity of revising his work and submitting it again, a process which occasionally was repeated a third time. The censors appear to have been for the most part lenient. In the record, extending from 1747 to 1833, the favorable reports amount to 618, the unfavorable to 149 and the doubtful to 155.

Works of belles-lettres were submitted to the Spanish Academy. Don Manuel Serrano y Sanz has printed (Revista de Archivos, Julio-Agosto, 1906) a number of the judgements pronounced by the censors to whom they were confided, which throw an interesting light on the critical canons of the period. It would appear that the issue of useless books was discouraged: as Miguel Cervera Lôpez says of one entitled *Los desengaños de un casado*, "Finding no usefulness in this writing, I think it should not be printed." This was only enforcing a decree of Philip IV in 1627, ordering licences to be refused to unnecessary works (Novis. Recop., VIII, xvi, 9).

[1] Bulario de la Orden de Santiago, Lib. 1, de copias, fol. 100.

prohibitions, which rapidly succeeded each other in the inquisitorial edicts, and all readers of books were required to denounce any passages which might seem to them suspicious or offensive. It is probably to this latter source that are attributable most of the incredibly trivial expurgations with which the later Indexes are burdened. How it sometimes fared with authors, indubitably orthodox but careless in expression, is exemplified in the case of the Maestro Fray Hernando de Santiago who, in 1597, published at Salamanca, of course after the preliminary censorship, his *Consideraciones sobre todos los Domingos y Fiestas de la Quaresma*. It was denounced to the Inquisition as containing some heretical propositions and many that were erroneous and scandalous. The Toledo tribunal summoned him and after examination voted to suspend his case with a reprimand and order to be more reticent in his sermons and to write no more scandalous books, which was an admission that the work contained nothing especially objectionable. The Suprema, however, set the vote aside and ordered his trial to be vigorously pushed and all his papers to be seized. A struggle, prolonged until 1602, ensued over an infinite number of expressions to which the calificadores took exception, resulting in his being severely reprimanded in the presence of representatives of all the religious Orders, with banishment from Castile and suspension from preaching for three years, the first year of which was to be passed in reclusion in the monastery of Cuenca as a penitent. From his book were to be expurgated all the passages noted as objectionable by the calificadores, and the list of these as printed in the Indexes is formidable in length rather than in quality, for captious criticism had wreaked itself on the minutest points. It was justified in correcting "Assur King of Persia" to "Assur King of Assyria;" possibly also in altering "the day when Peter renounced Christ" to "denied Christ," but only slavish adulation could require that "the day when a tyrant king" should be changed to "tyrant captain." Still, the indomitable maestro was not silenced, for in the following year, 1603, he issued another book, *Consideraciones sobre los Evangelios de los Santos*, for which he escaped prosecution, though his book likewise found its way into the Index, with, however, a smaller array of expurgations.[1]

Inquisitorial censorship, it will thus be seen, by no means confined itself to suppressing the works of foreign heretics, for which

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Index of Sotomayor, pp. 524-8.—Indice Ultimo, p. 240.

it was primarily instituted. Had it done so, it would have exercised a sufficiently benumbing influence on Spanish intelligence, for it excluded many works because of their authors rather than of their contents and it never was able to settle definitely the troublesome questions arising from works of high scientific and intellectual merit, in which the authorship or an occasional passage might offend the hyper-sensitiveness so zealously cultivated. This was sufficiently restrictive on culture, not only in itself but in the obstruction which, as we shall see, it imposed on the introduction of all books from abroad, but even more unfortunate in its influence was the censorship extended over the whole field of native literature, interposing barriers on authorship seeking publicity, and exposing even the most orthodox writers to the danger of seeing their works suppressed, or to the humiliation of having them disfigured with blotted passages in which the perverse ingenuity of some theological expert might detect possible danger to the unwary.

Yet, to do the Spanish Inquisition justice, in this it was more considerate than the Roman censorship. In 1564 appeared the Index of Pius IV, known as the Tridentine Index. This is the basis of all succeeding Roman Indexes, which are strictly of prohibited books—that is, all books, to which exception of any kind could be taken, were prohibited, whether their errors were systematic or only occasional. No indication was given as to what were the objectionable points, although the author, by humble supplication to the Congregation of the Index, might obtain information and reprint his book with corrections, at the risk of its being again prohibited.[1] The Spanish Inquisition was more laborious, for it prepared Expurgatory Indexes, in which, when books were not absolutely prohibited, the objectionable passages were designated and, when these were *borrado*, or blotted out, the book could be circulated.

Working thus on different lines, there was little harmony between Spain and the Holy See. In fact, as we shall have occasion

[1] Catalani de Secretario Congr. Indicis, p. 31 (Romæ, 1651).

The only attempt made to compile a Roman *Index Expurgatorius* was in 1607, by Gianmaria Guanzelli da Brisighella, Master of the Sacred Palace. It never advanced beyond the first volume and was suppressed in 1611. That volume consists of 599 double-columned 12mo pages and only contains fifty-two authors, so numerous are the expurgations, many of them as trivial as those of the Spanish censors

to observe, the Inquisition asserted entire independence of the Roman censorship, disregarding its prohibitions and issuing its own without reference to Rome. This commenced early, as is shown in some curiously contradictory utterances, in 1568, respecting the Tridentine Index. February 7th, a carta acordada orders the observance of the Spanish Index of 1559; then another, of June 14th, recites that the Tridentine Index is not observed and that persons are using books prohibited in it, wherefore inquisitors are to order it to be obeyed and to tell preachers to urge this from their pulpits; finally a third carta, a fortnight later, on June 29th, practically revokes this by commanding that the Index of 1559 is the only one to be followed.[1]

What between the activity of the press, the widening knowledge of heretical literature, and the increasing sensitiveness of criticism, the work promised to be endless and preparations were soon under way for the preparation of a new Index. The labor proved to be no light one. The tribunals, the prelates and the universities were called upon for information; as this was received it was sent to Maestro Francisco Sancho, who selected from the University of Salamanca a junta to frame from these materials the new Index. Then Sancho left Salamanca and recommended as his successor his assistant Doctor Diego de Vera. The Suprema grew impatient and, in a letter of December 6, 1572, it charged the theologians of the university with the prosecution of the work; in view of its importance and the urgency of speedy completion, it was to be preferred to all other business and was to be pushed forward unremittingly.[2] They doubtless labored conscientiously and disputed zealously, but the result was still far off. In 1574 we hear that the Index was expected to be completed shortly; in 1575, the Licenciado Velarde, in charge of the matter, was urged to complete it; in 1578 it was so far advanced that it was submitted to the Universities for their revision and in 1579 they were asked for their opinions on the general rules drawn up to accompany it.[3] Still there was delay, for the outcome of this careful and prolonged labor was a vast increase over previous indexes, appearing in two volumes, known as the Indexes of Quiroga, the inquisitor-general. The first was an Index of prohibited books, issued in 1583, consisting mostly of the names of authors all of whose works were for-

[1] Archivo de Simancas, Inq., Lib. 940, fol. 4; Lib. 942, fol. 25.
[2] Ibidem, Lib. 82, fol. 76; Lib. 940, fol. 5.
[3] Ibidem, Lib. 940, fol. 6, 7, 18.

bidden. This was followed, in 1584, by an Expurgatory Index—the first of its kind—giving the expurgations necessary to render current the works enumerated. A carta acordada of October 16th contained directions for the enforcement of its prescriptions. Although it had been published in the principal towns, it was to be published again, on a Sunday or feast-day, after convoking the people by proclamation, when it was to be read after the sermon in the same way as the Edict of Faith. The preacher was to announce that all persons having prohibited books were to deliver them at once to the tribunal, or to a person designated in each town; those having books to be expurgated could do so in their own houses, but within six months must submit them to the said persons for approval and signing, without which they would not be considered as expurgated. Obedience seems to have been slack; on June 13, 1585, the time limit was extended for four months; then successive prorogations followed and, in 1587, a further delay was accorded until the end of 1588.[1]

The business was as interminable as the labors of the Danaïdes. Already, in 1586, the theological faculties of Salamanca, Alcalá and Valladolid were informed that omissions had been reported, and they were asked to assemble and consider what should be done. In 1594 we hear of preparations on foot for another Index and Doctor Neroni, Abbot of Alcalá was instructed to form a junta of doctors and masters competent for the work.[2] Progress, however, was interrupted by the strife which arose between the Dominicans and the Jesuits over the propositions of Molina and the insoluble questions connected with sufficing and efficacious grace. The correspondence on the subject was continuous and voluminous; all the theologians of Spain, who were numerous and highly vocal, were involved in a prodigious uproar which monopolized the energies of the censorship. Even the Inquisition was powerless to restore peace between the raging factions and, in 1598, the strictest orders were sent to all the universities, forbidding debate or discussion on the subject and any allusion to it in lectures. Yet the tempest continued to growl and even in 1612 we find an edict concerning it.[3]

[1] Archivo de Simancas, Inq., Lib. 941, fol. 9; Lib. 939, fol. 127; Lib. 940, fol. 16, 17.

[2] Ibidem, Lib. 940, fol. 8, 16.—Even Abad Neroni required supervision. In 1598, he was ordered to report to the Suprema what was the Bible which Fray Gerónimo de Almonacid said he possessed.—Ibid., fol. 12.

[3] Ibidem, fol. 8–12, 17.

Still the work was making progress, with enormous labor. We happen to learn that, in 1596, the tribunal of Murcia was instructed to confide to Dr. Arce and his brother the expurgation of Theodore Zwinger's *Theatrum Vitæ Humanæ*, an enormous work, in eight folio volumes, published in Basle in 1565. How long they were engaged upon the task may be inferred from the fact that, in 1610, the tribunal was ordered to give to Padre Arce the copy of the book on which he had labored, and the result appears in thirty-eight pages of the Index, occupied by his expurgations.[1] In 1605 we find commissions granted to sundry calificadores to take from the book-shops whatever books they needed for examination. A junta was formed, probably in 1608, the members of which received the liberal salary of a ducat a day and, in 1610, lists of books were sent to all the tribunals, with instructions to submit them to learned men for consideration.[2] The expenditure was large for it was not until 1612 that the new Index, known by the name of Sandoval y Rojas, the inquisitor-general, saw the light. It was both a prohibitory and an expurgatory Index in one stout volume.

The next Index was issued under the authority of Inquisitor-general Zapata, in 1632, forming a large folio. Then, in 1640, another appeared in a still larger volume, known as the Index of Sotomayor. Sixty-seven years elapsed before the publication of another, in 1707, under Inquisitor-general Vidal Marin. Its preparation had been entrusted to Antonio Alvárez de la Puente and Fernando Gallego Calderon, the latter of whom died and the work was carried to completion by the former. It contained not only the list of Sotomayor and the works condemned or expurgated during the interval, but many others discovered by the industry of the compilers or by the revisors appointed by the various tribunals, under orders of May 31, 1706, to examine all book-shops and libraries.[3] It occupied two folios of rather smaller size than the single one of its predecessor. The next Index was issued in 1747, under Inquisitor-general Prado y Cuesta, in one

[1] Archivo de Simancas, Inq., Lib. 940, fol. 11, 17.

[2] Ibidem, fol. 17, 22, 23. In 1609 there is an order to pay Fray Diego de Arce 500 reales for his services in the junta and another to give him a ducat a day during its existence. In 1610 Padre Juan de Pineda is paid at the same rate and special payments of 300 ducats apiece are made to Dr. Camargo and to Fray Ignacio de Ibero. In 1613, Alonso Marques de Prado, Bishop of Tortosa, receives 800 ducats for his work in the junta.—Ibid. fol. 23, 24.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 234.

large folio. Its preparation had been committed to two Jesuits, without supervision, who abused their position by gratifying the interests of the Society of Jesus through including a large number of authors who had never been condemned, giving rise to a long debate, of which more hereafter.[1]

Although this Index was thoroughly discredited, it was not until 1782 that the Suprema invited proposals for a new one. A memorial, apparently by a member of that body, in response to this, pointed out the inconvenience of the previous issues, with their constant growth, rendering them costly and difficult to consult. The writer suggested the Roman Index of Benedict XIV as a model—all the works to be gathered into one alphabet; the long lists of expurgations to be replaced with the Roman *donec corrigatur* and a reference to the edict denouncing them. Allusion was made to the many intricate and delicate questions involved, largely owing to the irreconcileable pretensions of the Roman and Spanish Inquisitions, and to the conflict between the royal prerogative and the papal claims. Thus he says that the Roman condemnations were not to be regarded unless they emanate from the Congregation of the Index (not the Roman Inquisition) or a papal brief, and even the Congregation prohibited many books meriting no theological censure, because they were adverse to the assumptions of the curia. Then there was the difficulty of preserving an impartial balance between the rights of the crown and the power of the Church, and of determining the numerous questions presented by many books—the circumspection necessary to distinguish between rights and claims, between exterior and interior discipline, and between discipline and dogma. In fact, the construction of an Index involved much beyond the mere definitions of theology, for it affected the large issues of national policy as well as the multitudinous interests of whole classes of society and religious organizations. As the writer said, the task was too great for any one man, however wise and learned; it could only be performed by a carefully selected junta.[2] Most of these suggestions were adopted in the *Indice Ultimo*, which appeared in 1790, in a moderate-sized volume, easy of reference, although the absence of expurgations deprived the possessors of books requiring correction of the facilities afforded by the ponderous tomes of the older Indexes.

[1] Archivo de Simancas, Inq., Leg. 1465, fol. 48.
[2] Ibidem.

During the long intervals between the successive issues, the tribunals were expected to compile for themselves lists of the books condemned in the frequent edicts sent to them. In 1781 we find the Valencia tribunal taken to task for not knowing that a French translation of Robinson Crusoe had been prohibited by decree of January 16, 1756, and it was told that, if it had not kept such a list, it must seek for one in some tribunal that had done so.[1] Booksellers likewise were expected to note all new prohibitions in the copies of the Indexes which they were required to keep, and a decree of 1627 instructed the tribunal to furnish to them copies of all edicts as they appeared, so that they could not plead ignorance and escape punishment.[2]

As regards the performance of expurgation, so long as the published Index was merely prohibitive, it was necessary for the owner to deliver the book to the tribunal or to a commissioner to have the objectionable passages blotted out and some documents of 1563 and 1568 show this to be the practice.[3] When the expurgatory Index of Quiroga appeared, in 1584, we have seen that owners were empowered to do this and that they were negligent, which perhaps explains why the privilege was subsequently withdrawn. It was difficult to enforce obedience and the duty was troublesome, leading to the expedient of licensing professional expurgators, who were authorized to do the work and give certificates of its due performance, with the condition that, when working in libraries, if they found prohibited books, they would seize and deliver them to the nearest commissioner.[4] When books were delivered to the tribunals for expurgation, the habitual delays must have been exasperating. In 1688 we find Don Juan de la Torre, whose patience was exhausted, obtaining from the Suprema a letter to the Valencia tribunal ordering it to expurgate a book of his and deliver it to him.[5]

We can scarce wonder that owners were negligent, as a remedy for which a carta acordada of October 5, 1712, ordered the tribunals to state in their edicts that the expurgations were on record there, and all owners were to send their books to have the offend-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 36.

[2] Ibidem, Leg. 14, n. 3, fol. 164.—MSS. of Royal Library of Copenhagen, 218b, p. 214.

[3] Archivo de Simancas, Inq., Lib. 940, fol. 3, 4.

[4] Modo de Proceder, fol. 86 (Bibl. nacional, MSS., D, 122).

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 12, n. 2, fol. 44.

ing passages blotted out by persons deputed for the purpose.[1] Then, in 1790, the owner was again permitted to do it on condition of presenting the book within two months to show that it had been done, but, as the Indice Ultimo gave no indication of the expurgations required, it was left for the owner to discover them.[2] No matter what plan was adopted, expurgation rendered the ownership of books a source of anxiety and trouble, and exercised a deterrent influence on the diffusion of culture, for there was no class of literature, whether fiction, poetry, history, devotion, statecraft, law or science, as well as theology, in which some lynx-eyed critic could not discover a phrase or sentiment which called for revision. Edicts were continually being issued prescribing the expurgation of individual books, sometimes thirty or forty years after their publication, and frequently on the most trivial grounds, and the lover of literature or science had to be constantly on the watch to escape the penalties of neglect.

The process of expurgation was the application with a brush of a coat of printing ink to the peccant word or passage, so as to render it perfectly illegible. When the Mexican tribunal took a notion to condemn all engraved portraits of the saintly Juan de Palafox, Bishop of Puebla, the face was thus daubed over with ink so as to render the features indistinguishable. When, in a book, the length of the offending passage made this too troublesome, the ruder process was adopted of tearing out the pages, regardless of the innocent matter thus removed and destroying the connection of the parts thus sundered.[3] Literature was of small account to the butchers of books.

Booksellers and book-buyers were subjected to constant investigation conducted in the rudest manner, the influence of which could not fail to be most depressing. The examination of bookshops and public and private libraries, which we have seen attempted as early as 1530 and resolutely prosecuted in 1559, was a settled policy and was pushed with especial vigor after the issue

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 250.

[2] Indice Ultimo, Regla XII (p. xxiii), Advertencia 1 (p. xxxvi).

[3] In my copy of the *Historia pontifical* of Abbot Illescas, two folio leaves are thus torn out to get rid of a chapter on Pope Joan, which had passed the repeated censorship that had suppressed two previous editions of the book. The pages thus removed contain two whole chapters and parts of two others.

I owe to the late General Don Riva Palacio a copy of the portrait of Palafox, *borrado* as described in the text.

of every new Index, but it was not limited to those times. The correspondence of the Suprema is full of letters and instructions showing the unremitting vigilance with which the work was carried on. In 1600 the tribunals of Valencia, Barcelona and Murcia were ordered to send to the Suprema the books of the Constable of Castile—a work of some duration for, in 1602, there is still a box of them on the way. Then the Seville tribunal was instructed to examine the books of Fray Diego Davila and forward those which Montoya had indicated. Then the Murcia tribunal was told to send to Doctor Montoya the books of Don Juan de Hoces. In 1602 the books of the confessor to the queen were ordered to be sent to the Suprema. All these were private collectors, whose tastes or zeal for learning subjected them to these vexations and humiliations, to the unlimited detention of their cherished books, to loss from carelessness or pilfering and to the irreparable damage of artistic bindings. The mere possession of books rendered the owner an object of suspicion and investigation. If this was the case with private collectors of all ranks, we can readily appreciate the endless troubles and ruinous prosecutions to which booksellers were exposed. In this same year 1600, the Suprema advised the Toledo tribunal that Doctor Juan Martínez had been examining the book-shops of Madrid, resulting in the statement enclosed, as to which it was to do justice—the customary formula in prosecutions.[1]

This is merely an indication of the continuous warfare waged against culture and learning, from which no one was safe. In 1627 a decree commanded booksellers, under penalty of forty ducats and excommunication, to report all prohibited books and those requiring expurgation, which they might meet in private libraries.[2] In 1618, the Seville tribunal was ordered to seize all the Hebrew books that had belonged to Arias Montano.[3] Even the royal library of the Escorial was subjected to the most humiliating regulations. When the Index of 1612 appeared, the Geronimite Prior of San Lorenzo petitioned the Suprema, stating the wish of the king that the prohibited books should not be removed or expurgated, as it was distinct from the convent library, and the only keys to it were held by him and the chief librarian. There-

[1] Archivo de Simancas, Inq., Lib. 940, fol. 4, 12, 14.
[2] MSS. of Royal Library of Copenhagen, 218b, p. 214.
[3] Archivo de Simancas, Inq., Lib. 940, fol. 18.

upon the inquisitor-general sent Fray Francisco de Jesus to examine and report the arrangements of the library, after which, on November 12, 1613, it decreed as follows. All books which are literary and not religious or offensive, by authors of the first class (those of whom all the works were condemned), are to be separated, marked and have a prefatory note that the author is condemned, but permission is given for them to remain where they can be read by the prior, the chief librarian and the professors of the college. All books by such authors, treating of religion and cognate matters, such as chronologies, sacred histories and histories of the popes, seeing that the king does not wish them removed, shall be stored in a separate room, always locked as in an archive, and no one shall read them save the prior and chief librarian, by special licence of the inquisitor-general and Suprema; there shall be two keys (locks) one kept by the chief librarian and the other by the Suprema, and two lists shall be made of them, one kept in the locked room and the other by the Suprema. With these shall also be placed two MSS. by heresiarchs from the MS. department. Rabbinical books and Bibles in Romance can remain, but shall be put in a separate case and be marked as prohibited, but they can be read as hitherto, by the prior, chief librarian and professors. The fraile in charge of the pharmacy of the convent, but he alone, can read books on medicine by authors of the first class, for distillation of quintessences and other matters of importance.[1] A quarantine against the deadliest infection could scarce have been more carefully devised.

There was a slight relaxation in this when, in 1616, Inquisitor-general Sandoval was at the Escorial and extended to all the professors of the college the privilege of reading books of the first class on religion. After the Zapata Index of 1632 appeared, the question again came up and Inquisitor-general Sotomayor confirmed the arrangement of 1613.[2] On the publication of his Index, in 1640, the frailes of San Lorenzo petitioned the Suprema that the library, as belonging to the king, should not be expurgated

[1] Archivo de Simancas, Inq., Lib. 32, fol. 666.

In the Indexes, books were divided into three classes. The first consisted of condemned authors, all of whose works were prohibited; the second of books by known authors, requiring expurgation; the third, of unknown authors, either prohibited or requiring expurgation.

This was the theory, but negligently observed in practice.

[2] Ibidem, fol. 668.

under the new Index. To this the Suprema replied in a consulta to the king, November 16, 1641, arguing that, as the library was the greatest in the world and belonged to the king, it was especially important that it should set the example of containing nothing contrary to Catholic doctrine. Still, there might be a secluded place, in which all books by heretic writers and of evil doctrine could be set aside, and the key of it be kept by the inquisitor-general, on condition that the library should furnish to the Suprema whatever books it might need.[1] There can be little doubt that some such arrangement was reached.

The vigilant supervision over book-shops and libraries was unrelaxing, and the depressing influence which it exercised on the book-trade and on culture in general can be estimated from the regulations accompanying the Index of Vidal Marin, in 1707. The tribunals were authorized to appoint an unlimited number of *Revisores de Libros*, empowered, at such times as suited them, to examine the public libraries and auctions and book-shops. The revisor was to require from booksellers inventories of stock and to see that these were complete; he was to order sent to his house or to that of another revisor, all prohibited books and those requiring examination, and report the result to the tribunal; he was to expurgate and certify with his signature all books requiring expurgation. He was to report all omissions or contraventions by booksellers of the rules of the Index, and for this his inspections must be frequent. He was to familiarize himself with these inventories and also with those which the booksellers were obliged to render to the tribunal at the beginning of each year, with details of all sales made during the year, so that he should become thoroughly informed and the booksellers be deterred from committing their customary frauds. All this was to be done at the expense of the owners of the books or, in the case of public libraries, of the town. As this was expected to produce much dissatisfaction, any "licentious" talk against the Index was to be reported for due punishment.[2]

The expected dissatisfaction was not lacking. The powers granted to the revisors gave so large an opportunity for oppression and extortion that the position was eagerly sought. Commissions were recklessly multiplied, until the number of these literary spies

[1] Archivo de Simancas, Inq., Lib. 21, fol. 303.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 374; Leg. 1, n. 4, fol. 234.—See Appendix for a commission of *Revisor de Libros*.

and blackmailers aroused general complaint. Nor was this a mere temporary abuse, for a letter of the Suprema, October 5, 1712, calls attention to the excessive number of appointees and the evils thence arising, for the palliation of which it proposed to issue an edict.[1]

This inspection of public and private libraries and of book-shops continued till the suppression of the Inquisition. We find, June 25, 1817, the Seville tribual sending to that of Madrid a list of books belonging to Juan Gualberto González, royal fiscal in the Council of Indies and, on August 18th, the fiscal sends to an unnamed tribunal the translation for which it had asked of a list of books belonging to the Marquis of Narros, the linguistic attainments of the inspectors having apparently been insufficient. In the financial distress of the Inquisition, the work seems now to be performed by officials of the tribunals, doubtless eager to do anything that would bring in fees, for, in 1819, we have the report of the secretary of the Valencia tribunal that, in the inspection of the book-shop of Pedro Juan Mallen, he had found a sermon in Italian, which he seized as suspicious and which was duly submitted to calificadores.[2]

Death afforded an opportunity not neglected of expurgating private libraries. When the owner died, the Inquisition stepped in to investigate and control the disposition of his books. In 1651, it would seem that all books had to pass through its hands for, in the case of Don Alonso de la Torre, the Suprema orders the Valencia tribunal to forward to it the packages delivered by the heirs, the prohibited ones separate from those approved.[3] The instructions of 1707 apparently limit this interference to cases of sale, for they provide that when, on account of death or other cause, a library is sold, the booksellers must furnish the revisor with a list of all books and their prices, so that prohibited or suspected ones may be surrendered, for which the booksellers can take receipts.[4] In 1748 the case of Doctor Teodoro Tomás, canon of the cathedral of Valencia, indicates that the executors had to render to the tribunal a detailed statement under oath of the disposition made of all books and papers. The prohibited books were

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 251.

[2] Archivo de Simancas, Inq., Lib. 890; Lib. 559.—Archivo hist. nacional, Inq. de Valencia, Leg. 47.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 405.

[4] Ibidem, Leg. 374.

given to the Dominican convent, which had a licence enabling it to hold them, and the rest were sold to Juan Bautista Malet and Manuel Cortés, booksellers. The papers were also accounted for—those pertaining to cathedral affairs were delivered to the chapter, those which seemed useless were burnt and the servants sold some to an apothecary.[1]

In this case the necessary preliminary of submitting an inventory to a revisor had evidently been complied with. When this was omitted the resultant trouble is exemplified in the library of Gregorio Mayans y Siscar, the most eminent man of letters of his day, who died in 1781. His library was large and valuable, and his widow sought to make the most of it for his children. She was a pious woman but through ignorance did not observe the requisite formalities. She sold a large portion to the Augustinian convent, which had a licence to hold prohibited books, and when she learned that this was unlawful she made great efforts to get it back; the Augustinians resisted but were finally obliged to submit. Then she applied to the Suprema for a licence to sell the prohibited books, which was referred to the Valencia tribunal. It replied, November 8, 1803, that the Augustinian provincial had exhibited the licence, and had been told that the convent had a right to hold them, but the widow had no right to sell them. The inquisitor sympathized with her, but pointed out that to grant her request would open the door to fictitious transactions, and he recommended that at most she should be allowed to sell those which the Augustinians had bought, for there were others. The library was large; it had taken long to make an inventory and still longer to find a revisor to go over it and note the prohibited books. This, however, had at last been accomplished, and the widow had been furnished with two lists—one of prohibited books to be surrendered to the Inquisition, and the other of those which must be expurgated before she could sell them. The Suprema, before deciding, required to see a list of the prohibited books sold to the Augustinians, which was duly furnished, and we may hope that, in the end, the widow was able to dispose of her husband's books, although the proceeds must have been wofully diminished by the fees and expenses and the confiscation of those prohibited.[2] There was scant encouragement in Spain for scholars to accumulate the means of study and research.

[1] Archivo hist. nacional, Inq. de Valencia,Leg. 47.
[2] Ibidem, Leg. 4, n. 3, fol. 290, 293.

While this case was dragging along, irrepressible zeal in pursuit of prohibited books threatened a foreign complication. Leonhardt Schuck, the Dutch consul at Alicante, died, leaving the French vice-consul as his executor. The house and effects were duly sealed with the royal seal during the execution of certain legal formalities, but the commissioner of the Inquisition called on the governor to remove the seal and deliver the keys to him, so that he might inventory the books, papers and prints, for he was informed that there were prohibited articles of all three kinds. The governor refused until he could consult the king, when the commissioner at night broke the seal, made his way in, compiled an inventory and replaced the seal as best he could. The Dutch ambassador complained to Carlos IV, and the minister Urquijo, who was unfriendly to the Inquisition, took occasion to issue a *carta orden* of October 11, 1799, severely rebuking it for this and other similar occurrences, which had contributed greatly to increase its evil reputation abroad.[1]

This supervision over the libraries of the dead continued under the Restoration. In 1815 orders were sent to all commissioners to see that no books belonging to estates were sold at auction until exact lists were submitted to the tribunal and its permission was obtained and, in 1817, when Fray Raymundo García, prior of the convent of Montesa at Onda, died, the Valencia tribunal had his library examined with the result of finding quite a number of prohibited books, mostly of a Jansenist character.[2] Despite the ceaseless vigilance of the Inquisition, the seekers after forbidden literature took the risk of gratifying their longings.

This forbidden literature was necessarily foreign. Under the preliminary restrictions on printing, which weighed with such deadly pressure on authorship, and under such vigilance as that which prompted the Suprema, in 1602, to order the tribunals to instruct their commissioners to seize all new books, or those of new authors or new editions, and report about them without delivering them to any one,[3] it was impossible that native works of dangerous tendency could reach the public, and censorship was confined to theological subtilties or to trivialties. The only real

[1] Llorente, Hist. crít., Cap. XLIII, Art. ii, n. 5; Art. v, n. 1.
[2] Archivo hist. nacional, Inq. de Valencia, Leg. 47.
[3] Archivo de Simancas, Inq., Lib. 940, fol. 13.

danger to be guarded against came from abroad, and the Inquisition's most effective service to obscurantism was rendered in the quarantine which it established to preserve the nation from the infection of new ideas. To this were directed the unremitting energies of the state, which found in the Holy Office its most useful instrument. We have seen above how early it took the alarm in 1521. In 1532 the Royal Council adopted the heroic measure of prohibiting the importation and sale of all recently printed books[1]—a measure which, if enforced, would have cut off Spain from all foreign literature, without preventing the introduction of heretical books concealed in packages of other merchandise. If not speedily repealed, it at least soon became obsolete, and the function of guarding the land from the importation of heretical matter naturally fell into the hands of the Inquisition, which alone possessed the authority and the ability to decide between what was innocent and what was obnoxious. This function consisted of two duties—that of separating the wheat from the tares in books regularly imported through the custom-houses, and in the suppression of smuggling.

Precisely at what time the Inquisition undertook these duties it would be impossible to say, but its activity and organization of the work would seem to date from the Lutheran scare of 1557 and 1558. In a letter of May 12, 1558, from the Suprema to Charles V, it declares that all the inquisitors had been instructed to use the greatest vigilance at the sea-ports and along the French frontier, but such was the audacity of the heretics that this did not suffice, as was proved by the number of books daily seized in spite of the most rigorous punishment.[2] So, in its report of September 9th to the pope, it stated that to prevent the importation of heretic books, inquisitors with their officials had been established along the coasts and in the places of greatest trade, which was a falsehood for the purpose of obtaining papal sanction for despoiling the Church, since no new tribunals were established, though the existing ones were urged to special vigilance. How this was exercised is detailed in a letter of October 25th from the Seville inquisitors, in response to an exhortation to diligence. They declare that all possible care was taken; instructions had been given for the visiting of all ships on arrival; no merchandise of any kind

[1] Archivo de Simancas, Inq., Lib. 940, fol. 2.
[2] Ibidem, Sala 40, Lib. 4, fol. 228.

could be discharged or opened without the presence of a commissioner, who saw that there were no books in the packages or, if there were, they were sent to the tribunal. All packages for Seville were sealed and not opened save in the presence of their inspector, to see whether there were books enclosed. All books arriving were delivered to the tribunal and examined, when those found to be prohibited or suspicious were detained; it had not come to their knowledge that any one had received and distributed books without this previous examination.[1]

This shows that already the system had been established, which continued with little modification to the end. All packages of books were carefully inspected, those prohibited or subject to expurgation, and the new and unknown ones regarded as suspicious were removed and sent to the tribunal to await its decision, which usually inferred consultation with the Suprema and indefinite delay. Every package of merchandise, moreover—box, bale or barrel—was opened in presence of the commissioner in search of concealed books. Thus the whole importing commerce of Spain passed through the hands of the Inquisition, whose officials employed in the business were unpaid, except by the fees which they could exact from merchants, leading to interminable squabbles, insufferable delays and grievous impediments to the commercial activity of the nation.

The trade in books suffered especially. It evidently was regarded as a thing to be restricted as far as possible, and was subject to any caprice of the authorities. In the sixteenth century orders were sometimes sent to special ports to forward all packages of books unopened and finally this was adopted as a universal rule, the whole foreign book-trade thus passing through the hands of the Suprema. A carta acordada of June 17, 1666, complains of the inobservance of these instructions, which must be obeyed by the commissioners at all the ports; the carriers must be bound under a penalty to return, within a fixed time, the receipt of the secretary of the Suprema, and a separate letter of advice must inform the Suprema who he is and at what tavern in Madrid he is accustomed to lodge.[2] No trade could be profitably carried on which was subject to such vexatious and costly interference,

[1] Schäfer, Beiträge, II, 359.

[2] Archivo de Simancas, Inq., Lib. 940, fol. 11, 19.—Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 71.

while the Suprema was constantly scolding the tribunals for their negligence.

How their ignorant scrupulousness affected trade may be guessed by an incident occurring at Barcelona in 1666. A bookseller of that city imported a number of copies of a book just printed in Lyons—a *Pharmacopœia Medico-Chemica*, by Johannes Schoderius, M.D., Physician in ordinary to the Republic of Frankfurt a/M. In the Index of 1640, the inquisitors found, among authors of the first class, the name of Joan. Schroderus, qualified as "Philosophus et Theologus German. Luther. August. Confess.," all of whose works were condemned. They seized the Pharmacopœias and reported to the Suprema, which ordered a copy forwarded. It was duly submitted to calificadores and five months afterwards the tribunal was notified that the books might be delivered to the owner.[1]

The internal traffic in books was trammelled by the closest supervision. In 1645 the Valencia tribunal was instructed to issue no licences to take books to Castile without a formal order from the Suprema.[2] While their departure was thus closely scrutinized, a second inspection was required on their arrival, as appears from a petition, in 1665, of Juan Antonio Bonet, bookseller of Madrid, representing that, in 1663, he had forwarded to Miguel Paysso, a bookseller of Barcelona, certain books, among which the Barcelona tribunal found and seized a copy of the works of Quevedo, in two volumes, which he prays to be released, as it was printed in Madrid, where it enjoyed free circulation.[3]

It was the same with exports. In 1573 the books of some frailes going to the Canaries require a special order from the Suprema to commissioners in Seville, Granada, Córdova and Badajoz to pass them if there were none prohibited among them.[4] The instructions of 1707 provide that, when books are to be exported, lists of them are to be submitted to the revisors that they may retain any that are prohibited or are unknown to them and thus require examination.[5] A transaction in 1788 shows that a special permit was required for each shipment of books to the colonies, and a royal order of August 8, 1807, prescribed that the exami-

[1] Libro XIII de Cartas, fol. 147, 162 (MS. of Am. Philos. Society).
[2] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 63.
[3] Lib. XIII de Cartas, fol. 29 (MSS. of Am. Phil. Society).
[4] Archivo de Simancas, Inq., Lib. 940, fol. 23.
[5] Archivo hist. nacional, Inq. de Valencia, Leg. 374.

nation should be made conjointly by the commissioners of the Inquisition, the royal revisor and a delegate of the *juez de imprentas*.[1] Even books in transit were subject to the watchful eye of the Inquisition, as we learn when, in 1560, some that had belonged to Cardinal Pole were shipped through Spain to Venice and were diligently investigated.[2] Books in fact were regarded with almost an insane fear, as the most dangerous of all articles of commerce, and the more thoroughly that Spain could be prevented from knowing what men were thinking and doing in foreign lands, the safer it was for society.

The regulations adopted for importations were well adapted to protect the Spanish intellect from such dangers. The requirement of sending all packages to the Suprema unopened seems to have been abandoned, but other obstacles were sufficiently onerous. All books, with which the commissioner of the Inquisition was not acquainted, had to be submitted to calificadores or sent to the Suprema for decision. As foreign books, especially the new ones, came under this category, the consequent delays and the risk of prohibition exposed the importing bookseller to hardships rendering trade almost impracticable. Thus, in 1772, Pierre Crozier, a bookseller of Valencia, imported a copy of the *Essais de Morale* of Pierre Nicole. It had to be referred to the Suprema, which, by letter of August 29th, ordered it to be examined and reported upon. After the lapse of four years we find Crozier still begging the tribunal to decide whether it will be permitted, as well as copies of the *Discours de Fleuri* and the *Histoire de la Bible* of Royaumont. If prohibited, he asks permission to sell them to some one who holds a licence or to return them to France.[3] How much longer he had to wait we can only conjecture. These impediments to importation were aggravated by a regulation of the Royal Council, in 1784, requiring a licence before a new foreign book could be exposed for sale and, out of the small number on which the dealer could venture to try the market, he had, when applying for a licence, to give two copies and to pay the examining censor a real per sheet for reading it, with the prospect that if the licence was obtained, the Inquisition might subsequently prohibit it.[4]

[1] MSS. of Am. Philos. Society.—Archivo hist. nacional, Inq. de Valencia, Leg. 17, n. 3, fol. 23.

[2] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 240.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 47.

[4] Alcubilla, Códigos antiguos españoles, pp. 1582-86.

The books seized were detained by the tribunals, and their fate is revealed in a letter from that of Valencia, July 28, 1798, in answer to orders from the Suprema to return to Don Josef Joaquin de Soria a copy of the *Lettres Provinciales* in four languages, and to send to Madrid, under seal, the books brought from Holland (some ten years before) by Don Pedro Antonio Casas. The tribunal explained at much length its inability to comply. The practice of entering the name of the owner in books seized is recent. The accumulation of prohibited books is large, and the room in which most of them are stored is so hot and so infested with book-worms that in a fortnight a book is pierced through and through. If those of Casas were placed there or left in their boxes there would not be a leaf remaining. Besides, a bookseller was formerly employed to come monthly and dust them, and he carried away all that he wanted, as appeared in his prosecution on that charge in 1789. This explains why only a portion of Casas's books can be found; as to Soria's *Lettres Provinciales*, two copies of that edition have been found, but each has a different owner's name.[1] Verily, the Inquisition was the grave-yard of books.

The outbreak of the French Revolution brought fresh activity and redoubled watchfulness for the exclusion of dangerous literature. Politics and religion were inextricably intermingled, and the revolutionary propaganda was as much dreaded as the religious had been in the sixteenth century. In 1792, the Suprema ordered all the tribunals to be especially zealous in preventing the introduction of the books, which the French were industriously disseminating for the purpose of exciting rebellion and imperilling religion and the monarchy. With this it circulated a royal order commanding special examination of books and papers from foreign parts. Wherever there was a custom-house, there were two revisors appointed, one royal and the other inquisitorial, who were to examine together all books and papers arriving. These were to be divided into three parts; those allowed currency and unknown works on history and science, which could be delivered to the owners; those included in the Index, to be retained by the inquisitorial revisor, and those unknown and suspected, to be kept by the royal revisor, until the king's pleasure could be ascertained. Thus the forces of the State and the Inquisition were marshalled together in defence of the faith and of the crown; unfortunately

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 163.

they did not always work harmoniously for, in 1805 these instructions were reissued with urgent appeals for cordial coöperation.[1] It would be useless to follow in detail the numerous exhortations to vigilance in the succeeding years. In spite of precautions, foreign ideas drifted through the custom-houses and embodied themselves in the Constitution of 1812 and, when the reaction came under the Restoration, the supervision of importations was confided exclusively to the Inquisition. In 1816 a question arose as to the functions of the *subdelegado de Imprentas* and the *revisor Real*, when Fernando VII decided that it pertained alone to the tribunals to decide what books should pass through the custom-houses, and that their permission was necessary.[2]

If these efforts to control the legitimate importation of books exercised an unfortunate influence on the intellectual development of Spain, its commercial interests suffered likewise from the precautions adopted to prevent the smuggling of the dreaded literature. These were known as the *Visitas de Navios*, which rendered the ports of Spain an object of dislike to all merchantmen, whether of native or foreign origin. Their systematization is attributable to the Protestant scare of 1558, when no means were deemed too radical which should serve to defeat the propagandist energy ascribed to the Spanish refugees and their heretical allies.

When a vessel cast anchor, before it could break cargo, it was visited by the representatives of various jurisdictions—health, war and customs. Subsequently health and war were combined, under the name of *almirantazgo* and there was added a visit from the commissioner of the Inquisition, with his notary and alguazil. As these officials were unsalaried, they claimed to be paid for their time and for the expense of a carriage and boat, by fees exacted of the vessel. Then, after inspecting the crew and passengers and examining any books belonging to them, a guard was stationed to prevent the surreptitious landing of books. When the cargo was discharged, the commissioner opened and inspected every package and, if it was a bale of books, of course each one had to be compared with the Index. For all this addi-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 16, n. 9, fol. 1; Leg. 4, n. 2, fol. 145.—Instruccion para los Revisores, Toledo, 1805.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 17, n. 3, fol. 58.

tional fees were charged, constituting a tax, not alone on the book-trade but on commerce in general, deeply resented by all the commercial interests, nor was the opposition lessened by the arbitrary methods habitual with all the officials of the Inquisition. Complaints of abuses became loud and numerous from all the sea-ports while, on the other hand, the frequent reports of heretical machinations led to constant exhortations from the Suprema for increased vigilance.

Some feeble attempts were made to check abuses. In 1602 there was a prohibition that visiting officials should require to have meals served, should place guards, or insist on having salutes fired; in 1606 it was forbidden for commissioners to take with them notaries or familiars who were merchants, and who thus learned the nature of the cargo and had opportunities to buy or to sell; but no attention was paid to these reforms.[1] Then, in 1607, a royal cédula provided that commissioners should levy no fees for visiting ships, and this was repeated in 1610, but these commands were disobeyed on the plea that they passed through the Council of Castile and not through the Suprema, wherefore, as the latter said, the commissioners were bound to obey them but not to execute them.[2]

The royal attention was finally called to the injurious effect of the system on Spanish commerce and, in January, 1632, a cédula was sent to the corregidores of the sea-ports, in which the king stated that he had been informed that the continual vexations inflicted on those who came to trade at Spanish ports, arising from the abuses practised by the numerous officials visiting their ships at their arrival and departure, had not only been the cause of the decline of commerce but of its total destruction, for every vessel was visited by so many jurisdictions that the extortions and impositions were great and had much increased of late. He was therefore obliged to enquire what proper methods could be adopted to encourage trade on the part of both natives and foreigners, without abolishing the necessary visits and precautions. There followed a list of searching questions as to the number of visits, officials, fees, methods, etc., with a request for suggestions. Although directed nominally to the abuses of all the jurisdictions,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 193.—Bibl. nacional, MSS., S, 294, fol. 50.

[2] Archivo de Simancas, Inq., Lib. 26, fol. 37; Lib. 43, fol. 315; Legajo 1526, fol. 2.

the Inquisition evidently was especially aimed at, for copies of the cédula were sent by the Suprema to all the tribunals of the crown of Castile.[1]

A junta was assembled to frame a reform on the basis of the information thus obtained. It sat until the end of 1633 but, if it reached any conclusions, they left no trace on legislation or practice. The only paper laid before it that I have met is a complaint from Don Pedro de Barreda, customs inspector of Guipuzcoa, of the excesses committed by officials of the Inquisition, under pretext of visiting the vessels coming to the ports of his district.[2] The probability is that, as so frequently the case in Spanish administration, the junta did nothing but submit to the king long consultas representing the conflicting views of the individual members, and that the king by that time had lost his interest in the matter and cast them aside without reading.

As was inevitable, the aggressiveness of the officials led to frequent quarrels. In 1616 there was one in Sardinia, in which the inquisitor excommunicated the Governor of Sasser, when the viceroy retaliated with a decree banishing the inquisitor. It was published with trumpet and cymbals and so frightened the inquisitorial people that the consultors did not dare to assemble and the familiars took to the mountains. The affair was referred to the Council of Aragon and the Suprema, which effected a truce by annulling the acts on both sides.[3] That the junta of 1633 brought no harmony is seen in a similar outbreak arising from the same cause in 1634, between the viceroy of Majorca and the tribunal, which had to be carried up to the king.[4] In 1635, the royal secretary addressed the Suprema, stating that a squadron was being organized for service on the coast of Guipuzcoa and that, to avoid the extortions and vexations of the commissioner at San Sebastian, the king desired that the head chaplain of the squadron should be appointed as commissioner, so that he could perform the duty of visiting the ships and prizes when they entered port. To this the Suprema returned an emphatic protest; such visits were essential and not to be omitted; the cause of complaint was not the extortions of the commissioners but their

[1] Archivo de Simancas, Inq., Lib. 31, fol. 118.—Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2 fol. 193.

[2] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 79.

[3] Ibidem, Inq., Lib. 29, fol. 494.—Portocarrero, Sobre la Competencia, n. 81.

[4] Archivo de Simancas, Inq., Lib. 34, fol. 286–97.

zealous discharge of their duties. As there is no endorsement on this consulta, the king apparently did not press the matter.[1]

Perhaps the bitterest struggle was that carried on by Bilbao for more than a hundred years. As one of the busiest ports of Spain, it naturally recalcitrated against the burdens laid upon its trade. The system had scarce been fairly organized when, in 1560, complaints already came to the Suprema of extortionate and illegal fees. Bartolomé de Robles, a bookseller of Alcalá, represented that he had imported through Bilbao forty bales of books, which were forwarded in one lot by ten muleteers; they had all been duly examined and sealed, the commissioner charging one real for each seal and then, in place of giving one certificate for the lot, he made out forty certificates at four reales apiece. The Suprema forwarded this to the tribunal of Calahorra (Logroño), with a table of fees, commanding that all exorbitant charges should be returned to it for distribution to the parties aggrieved.[2] It was not alone the booksellers, but merchants in general, who suffered from the opening of their packages and the fees charged on each, and the shipmasters exposed to the extortions attendant upon the visits. The mercantile community of Bilbao was well organized, having a *Casa de Contratacion* to regulate commerce, with a *Fiel* or executive officer, a Prior and Consuls. They made their grievances heard and a compromise was reached with the tribunal, in 1561, which was not observed; it was the same with another agreement made in 1567 and yet another in 1576, under which all fees were abolished. To enforce this the Contratacion brought suit, resulting in an agreement in 1577, confirmed by the Suprema, by which the commissioner received fifty ducats a year in lieu of all fees, except two reales on each package of books, the examination of which was admitted to be laborious.[3] Trouble soon recommenced; in spite of repeated exhortation to moderation by the Suprema, fees were levied on every package and cask of merchandise. The royal cédula of 1607 abolishing fees was published February 18th, but received no attention and, in 1609, Bilbao sent a strong remonstrance to the king, to which the Logroño tribunal replied, asserting it to be false; the labor was great; it always had been and must be paid by fees, which

[1] Archivo de Simancas, Inq., Lib. 24, fol. 13.
[2] Ibidem, Lib. 80, fol. 1.
[3] Ibidem, Lib. 25, fol. 116–17; Lib. 43, fol. 131, 201, 297.

were always the subject of contention, especially at Bilbao where there were a prior and consuls to defend the merchants.[1] Then came the royal cédula of 1610, again abolishing fees, which received no more attention than the previous one.

In February, 1612, the Suprema wrote to Logroño that great complaints continued to come to the king, especially from Bilbao, and it suggested that an increase in the fifty ducats might be obtained in lieu of fees. Acting on this, a formal agreement was signed in July and confirmed by the Suprema, raising the annual payment to two thousand reales, the two reales on book packages being retained. It is not likely that this was observed by the commissioner for, in 1616, at the request of the merchants and shipmasters, a return was made to the fee system and a definite scale was agreed upon. This scale, however, did not long content the commissioner for, in 1631, the complaints reaching the Suprema led it to make an investigation, in which its fiscal admitted that the excessive fees and vexations were leading shipmasters to abandon those ports, especially Bilbao; the fees exacted were fifty per cent. greater than the agreed scale; vessels bringing fish were compelled in addition to give so many fish out of each barrel, and the delays were damaging. At the same time the existing commissioner, Pedro de Villareal, was highly commended. He had merely accepted conditions as he found them established by his predecessors; his term of service extended from 1625 to 1662 and was subsequently looked back upon as a halcyon time of peace.[2]

This came to an end, in 1663, with the appointment of a new commissioner, the Licentiate Domingo de Leguina, whose excessive exactions and arbitrary methods excited the bitterest dissatisfaction. One thing which was the subject of especial complaint was that, in place of examining merchandise in the warehouses of the consignees, he insisted on opening the packages on the quay, cutting the cords and scattering the contents, which were thus subjected to theft and to the vicissitudes of the weather; he even bored holes in casks of tar and explored the interior with a stick in the search for hidden books. Commerce on a large scale could scarce be conducted under such conditions, the prosperity of the port was seriously threatened, passions on both sides were enkindled

[1] Archivo de Simancas, Inq., Lib. 43, fol. 120; Leg. 1526, fol. 7.
[2] Ibidem, Leg. 1526, fol. 2, 7, 17; Lib. 45, fol. 151; Lib. 38, fol. 78.

and a controversy of the fiercest kind raged for years. The Señorio of Biscay took sides with the merchants and represented forcibly to the queen-regent the absurdity of ruining commerce and risking complications with foreign nations on the pretext of preventing the smuggling of prohibited books, considering the risks attendant on the attempt and the lack of purchasers for them if successful, in a community so ardent for the faith.[1]

Both sides resorted to extreme measures. The Contratacion in 1667 ordered the merchants not to pay fees; the tribunal, with the approval of the Suprema, ordered Leguina to collect them; he seized goods and sold them by auction; he prosecuted some of the merchants and compromised with them for money; the English and Dutch ambassadors intervened with protests against the disregard of treaty stipulations; the queen-regent annulled the decree of the Contratacion forbidding the payment of fees, and against this the Señorio of Biscay, in a solemn assembly, November 7, 1668, protested, as a violation of the fueros, and adopted a decree prohibiting their payment; if attempts should be made to collect them it would resist and, if other remedies failed, a Junta General would be assembled to determine on further measures. Meanwhile, any secular official assisting Leguina was declared to be disabled for insaculation in the choice by lot for public office. This decree was published in Bilbao to sound of drum and fife, with general popular rejoicing, and Leguina could find no official to assist him in his work, even his notary being disqualified for an office to which he aspired. Then the Council of Castile intervened May 15, 1669, with an order to Leguina to levy no fees for visiting ships, an action probably induced by a forcible protest from the Earl of Sandwich, the English ambassador, in which the exactions of the commissioner were represented as infractions of the treaties of 1665 and 1667.[2]

The serious character of the questions thus raised made an impression on the court and led to a royal decree of July 19, 1669, informing the Suprema that the vexations and excessive dues levied by Leguina on the commerce of Bilbao had aroused such hatred that means must be taken to avoid greater evils, by removing the officials and replacing them with others who would perform their duties without arousing complaints. An immediate answer

[1] Archivo de Simancas, Inq., Lib. 43, fol. 68, 120.

[2] Ibidem, Lib. 25, fol. 1, 52, 82; Lib. 43, fol. 142, 174, 187; Leg. 1526, fol. 6.

was required to this, but the Suprema waited until December 23d and then replied in a long consulta, insisting that Leguina had been right from the beginning; that all laws or regulations infringing the immunities of the Inquisition were invalid, and the mere attempt subjected its authors to punishment. As the Suprema was immovable, an attack was made directly on Leguina by a royal letter and provision of the Royal Council, January 22, 1670, ordering him to collect no fees for visiting ships and to make his visits as his predecessors had done. When this was served upon him he made an unseemly reply and stopped the commerce of the port until there were eighteen ships waiting to discharge their cargoes. To overcome this, a solemn mandate in the name of the king and queen-regent was addressed to him, February 14th, reciting his misdeeds and ordering him to quit the kingdom or to present himself at court under penalty of twenty thousand maravedís. When this was served upon him by a notary, on February 23d, he reverently placed it on his head and said he respected it as the act of his king, but the next day he served upon the notary his *declinatoria* (denial of jurisdiction), stating that he was simply the servant of the Suprema and of the Logroño tribunal, in which capacity he had complied with the obligations of his office, and the Suprema had never brought a charge against him, wherefore he supplicated the king to inform himself from the Suprema as to the matters contained in these royal provisions, which had been obtained surreptitiously, and to recognize the justice of his reply and of his proceedings.[1] The authority of the Suprema evidently was superior to that of the king.

Thus baffled, the queen-regent turned again to the Suprema, with a decree of April 1, 1670, in which she rehearsed the agreements of 1561, 1567 and 1576 as providing that no fees were to be levied; the visits must be made in the former fashion, so as to give no occasion of complaints of the violation of treaties, and Leguina must be removed. To this the Suprema replied, April 24th, insisting on the necessity of the visits; the resistance of Bilbao had proved contagious; the other ports were refusing to pay fees, and this would extend to the whole monarchy; the labor had to be paid for and the Inquisition had no funds for salaries. It further explained that, in view of the hostility felt for Leguina, the Logroño tribunal had replaced him, on January 3d, by Joan

[1] Archivo de Simancas, Inq., Lib. 43, fol. 174, 187; Leg. 1526, fol. 4.

de Zabala, who had found himself unable to act, everybody being terrorized and refusing to assist him, so Leguina had resumed his duties. Then, on February 14th the Council of State had intervened and allowed the eighteen waiting ships to discharge their cargoes without examination, which was an invasion of the jurisdiction of the Inquisition and consequently null. At the end of February Leguina had been replaced by Don Iñigo Zubiaur who had been well received by the merchants—a fallacious welcome for soon afterwards it was learned that Zubiaur, though he reduced the fees, could get no assistance; his life was threatened and he asked to be relieved on June 20th.[1]

It would be a weariness to follow in further detail these obscure quarrels which were carried on with equal tenacity by both sides. A new commissioner, Pedro de Irazagarria Butron, was succeeded by Miguel de Jarabeytía, who were as little successful as their predecessors. At length, on May 26, 1680, the king sent to the Suprema a protest from the Dutch ambassador as to the detention of vessels and damage to goods for the purpose of extorting illegal fees. This was followed, June 26th, by another from the ambassador of France, claiming that French vessels should be exempted, and that only packages of books should be examined. Then, on September 4th the king transmitted one from the English ambassador, and accompanied it by a sharp message to the effect that at the moment it was especially desirable to avoid giving just cause of offence to England, and that a prompt remedy must be applied. It was not until October 22d that the Suprema replied, insisting upon the enforcement of the visits; more books entered the port of Bilbao than all the other ports of the kingdom combined, and since these troubles began the visits had been so impeded that immense numbers of books of evil doctrine were filling all the public and private libraries.[2] The Suprema was willing to embroil Spain with half of Europe rather than to spend a few hundred ducats in salaries, and equally reckless was its assertion as to the commerce in books at Bilbao. When, in 1648, it had called for reports on the *visitas de navios* from all the northern ports, Commissioner Villareal stated that no books had come to Bilbao for eight years. At none of the other ports was there any allusion made to books, except at San Sebastian, where it was added that

[1] Archivo de Simancas, Inq., Lib. 43, fol. 201; Lib. 25, fol. 129.

[2] Ibidem, Lib. 43, fol. 201, 235, 270; Leg. 1526, fol. 36.

they rarely came.[1] When we recall the forty bales imported in one lot through Bilbao for Robles of Alcalá, in 1561, we can estimate the success of the Inquisition, during the interval, in securing the intellectual isolation of Spain and the flimsiness of the pretext on which was based this prolonged struggle.

Still the struggle went on, stimulated by fresh protests from the English and French ambassadors and met by the Suprema with vociferous assertions of the masses of heretical literature introduced into Spain. At length, on June 12, 1681, the corregidor of Bilbao, Don Juan González de Leon, a member of the Royal Council and judge in the Chancellery of Valladolid, in conjunction with the General Deputies of the Señorio, issued a proclamation imposing a fine of fifty ducats on all shipmasters, merchants and others who should pay the fees, thus uniting the royal and provincial authorities in resistance to the Inquisition. The Suprema met this, July 17th, by ordering Jarabeytía to collect the fees, in which if necessary he was to employ excommunication and collect evidence to prosecute those who impeded the Inquisition. This was a declaration of war, but it was accompanied with secret instructions that he was not to seize goods but to keep a record for future use, and that he was to lose no opportunity of reaching a compromise with the Contratacion, which could take the shape, as formerly suggested, of a lump sum in payment on every ship according to its tonnage.[2] Here the documents at my disposal come to an end, but there can be little doubt that, on some such basis, a compromise was reached, as the Contratacion had shown a willingness to pay a handsome sum in gross, in the confidence apparently, that when the stimulus of fees for each package was removed, the examinations would be nominal and the commissioners would render their office a sinecure.

Barcelona was more fortunate than Bilbao. The opposition of the viceroy and the intervention of the Banco Regio prevailed against the efforts of the tribunal. In 1819 it reported that there was no trace of commissioners ever having visited ships, except when there were Jews on board, and that a letter of 1677 showed that visits were not made because shipmasters would not pay the fees.[3] Elsewhere, abuses were rife. At Cádiz, among sea-

[1] Archivo de Simancas, Inq., Leg. 1526, fol. 17.
[2] Ibidem, Lib. 43, fol. 283, 297, 315, 319, 325; Lib. 26, fol. 33.
[3] Ibidem, Leg. 1473.

faring men, the Santo Oficio was generally known as the Santo Ladronicio, although there and in Málaga a judicious system of bribery was established, which removed most of the impediments of commerce, together with the obstacles to the importation of prohibited books.[1] I have met with complaints about Valencia, Alicante and other ports and, in view of the prevalence of official venality, it may be assumed that at least many commissioners used their virtually irresponsible power for profit either by omitting supervision or rendering it unduly onerous.

In 1705 an elaborate digest of all previous instructions was sent to the tribunals with orders to impress upon their commissioners the necessity of constant vigilance to prevent the introduction of prohibited books; not only were bales, hogsheads, casks, packages and especially packs of playing cards to be examined, but the chests and beds of the sailors, yet the utmost tact and dexterity were to be employed, so as to avoid exciting the repugnance felt for these visits. If any controversy arose, the commissioners were not to proceed judicially but the matter was to be referred directly to the Suprema.[2] In 1742 and 1764, there were royal orders issued prescribing rules and fees, which have interest only as showing the control acquired by the crown over the Inquisition.

In 1801, the Suprema called upon the tribunals for information as to details and fees, the answer to which from Valencia indicates the purely financial view of the matter entertained by the officials. Since the royal orders of 1742 and 1764, it said, and for many years previous, no visits had been made, because the fee for large vessels was eight reales and four for small ones, while it was necessary to hire a carriage from the city to the Grao and a boat to the ship, so the cost was greater than the gain. In Denia the visits had been performed anciently, but for many years they had been abandoned.[3]

In fact, it had for the most part become simply an impost levied for the benefit of the Inquisition on ships from foreign parts. The suppression of the Inquisition by the Córtes of Cádiz, in 1813, was followed by a decree stating that at almost all the sea-ports of Spain there was collected for the Inquisition a fee known as

[1] Bibl. nacional, MSS., S, 294, fol. 50, 132.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 193.

[3] Ibidem, Leg. 4, n. 3, fol. 243.

derecho de Inquisicion on all foreign vessels or those from foreign parts, and that in some places there was further levied on all packages of books and merchandise another fee for registration—all of which the Córtes now suppressed.[1]

With the revival of the Inquisition under the Restoration, the *visitas de navios* were naturally resumed, whenever the opposition of shipmasters and foreign consuls permitted. Desiring to reorganize the system, the Suprema, June 17, 1816, called for information, the responses to which show that, at the ports of the northern coasts, for the most part, it was maintained as far as practicable, while on the Mediterranean shore, except in Majorca and Velez Málaga, it was in a thoroughly demoralized condition. No visits were made to the ships. Where they could, commissioners collected fees from vessels arriving from foreign ports, but consuls raised objections and, when subsequently the Suprema ordered the commissioner of Cádiz to enforce payment, he could not persuade the consuls to assent, as they simply referred him to their ambassadors. The matter slumbered until, in January, 1819, the Minister of Marine addressed to the inquisitor-general a complaint from the Hydrographic Office that it had been obliged to pay to a commissioner eight reales for examining two cases containing articles for it. This opened the way, and the Suprema laid before the king a long consulta, urging a reorganization of the system and presenting an elaborate series of regulations for his consideration, as the matter was of immense importance to religion and the state. The scheme resuscitated all the old details in the most rigorous form; indeed, as regards books, it provided that the packages should be sealed with sealing-wax, the duties were to be paid and the packages forwarded to the Suprema by some confidential person.[2] No more effective plan could have been devised for preserving Spain from the contagion of foreign ideas and, even without this, the other provisions gave to the Inquisition the power of embarrassing largely the whole foreign commerce of the land. The scheme is of interest as revealing the aims of the Inquisition on the brink of its extinction. How it was regarded by the court we have no means of knowing for, before it could be acted upon, the Revolution of 1820 put an end to the active existence of the Holy Office.

[1] Coleccion de Decretos de las Córtes, IV, 17 (Madrid, 1820).

[2] Archivo de Simancas, Lib. 559; Leg. 1473.

The restrictions which censorship imposed on learning and culture were slightly relieved by the licences which were granted to possess or to read prohibited books. In the struggle with heresy, its confutation required that some persons should be allowed to read the works in which it was taught, and it became customary to grant the privilege to those whose firmness in the faith could be trusted. The bull in *Cœna Domini* of Paul III, in 1536, excommunicates all who read Lutheran books without papal licence, showing that already licences were issued and that the power was reserved to the pope. This power was valuable, and the officials of the curia, to whom it was confided, were subject to temptations which, in that age of venality, were not likely to be resisted. Inquisitors, moreover, assumed that this was included in their delegated apostolical faculties and undertook to issue licences, leading to a multiplication of privileged persons which nullified to some extent the prohibitory edicts. To remedy this, in 1547, the Suprema revoked all such licences and forbade their future issue by the tribunals, a provision which had to be repeated in 1549 and 1551.[1] This still left the papal licences in the hands of those possessing them, but these were similarly annulled, in 1550, by Julius III, in a brief, from which we learn that papal legates also issued them.[2]

They speedily multiplied again, and the Suprema took advantage of the Lutheran excitement of 1558 to procure their withdrawal. In its report of September 9th of that year to Paul IV, it represented that many prelates and frailes kept prohibited books, in spite of edicts and censures, refusing to surrender them on the plea that they held papal licences; in view of the danger thence arising to the faith, the pope was asked for a brief revoking all such licences, ordering their surrender under heavy penalties and authorizing rigorous prosecution of transgressors.[3] Paul did more than merely respond to this petition. By a brief of December 21st, he revoked all papal licences and then, by another of January 4, 1559, he committed the execution of this to Inquisitor-general Valdés, who printed it in his Index of that year.[4]

These briefs granted to the Spanish Inquisition no power to

[1] Archivo de Simancas, Inq., Lib. 942, fol. 15; Lib. 79, fol. 17, 164.—Cf. Pegnæ Comment. iii in Eymerici Director. P. II.

[2] Septimi Decretal, Lib. v, Tit. iv, cap. 2.

[3] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 231.—See Appendix.

[4] Reusch, Die Indices, p. 212.

issue licences. So jealously was this reserved to the Holy See that, in 1574, Gregory XIII gave a special licence to Inquisitor-general Quiroga, with a faculty to extend it to members of the Suprema, in order to enable them to decide cases of heresy.[1] This caution contrasts strangely with the favors shown to the Society of Jesus. Pius V, while yet inquisitor-general, granted to the Jesuit General faculty to issue licences; this was confirmed, *viva vocis oraculo*, by Gregory XIII and, to establish it more firmly, he was asked to embody it in a brief which he did, January 9, 1575, moreover releasing them from any censures or other penalty, by whomsoever inflicted, in so far as necessary to render the concession effective. Under this the Jesuits claimed to be independent of the edicts of the Spanish Inquisition, but it asserted its jurisdiction. In 1584 we find Padre Mariana applying for and obtaining a licence, through the Toledo tribunal, to read certain specified books—a licence which was withdrawn the same year. Still more aggressive was its action when, in 1587, it learned that some books had been received by the Jesuit Provincial, and the Suprema sent lists of them to the tribunals of Saragossa, Seville and Valladolid, with orders to examine them and detain such as they deemed proper. This assertion of control was repeated in 1602, when the Murcia tribunal was instructed to examine certain books belonging to the Jesuits and to return them if found unobjectionable.[2]

The earliest formal grant of power to the Spanish Inquisition to issue licences would appear to have been made by Paul V early in the seventeenth century,[3] but it had been exercised long before. The Index of Quiroga, issued in 1583, in its preliminary rules 3, 4, 5 and 8, assumes that inquisitors can grant written licences, but this power was held subject to the inquisitor-general and Suprema for, in the orders accompanying the distribution of the Index, consultation with them was prescribed as a necessary preliminary.[4] From some examples of the period it would seem that only special and not general licences were granted, and that much circumspection was used with regard to them. Even Philip

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[2] Literæ Apostolicæ Soc. Jesu, pp. 137–41 (Antverpiæ, 1635).—Bibl. Vaticana, MSS. Ottobon. Lat. 494, p. 8.—Archivo de Simancas, Inq., Lib. 940, fol. 15, 16, 17, 13.

[3] Alberghini, Manuale Qualificatorum, p. 132.

[4] Reusch, Die Indices, pp. 382–3.—Archivo de Simancas, Inq., Lib. 939, fol. 127.

IV had no general licence until, about 1640, he wrote to Inquisitor-general Sotomayor that he had been amusing his leisure with Guicciardini's History, until he was told that it was prohibited. He therefore asked for a licence to read it and other prohibited books not treating of matters of faith, for he would not accept a licence to read them.[1] A curious partial licence was one granted in 1614, to Padre Gullo Sabell (William Saville?) to read Catholic books in the English tongue—apparently the language sufficed to render them prohibited.[2]

The tendency of the Spanish Inquisition to assert its independence of Rome in matters of censorship was especially manifested with regard to licences. When in 1622, Gregory XV and, in 1631, Urban VIII, revoked all licences, the Suprema declared that it was not the papal intention to interfere with the licences granted by the inquisitor-general, and that they remained in force.[3] The next step was to invalidate all papal licences and accordingly, January 18, 1627, the Suprema presented a consulta to Philip IV, representing that many persons in Spain obtained them, and supplicating him to order his ambassador to urge the pope not to grant them, adding that meanwhile it was deemed necessary to issue an edict annulling them. Philip was not prepared to sanction so flagrant an assault on papal authority, and replied that he would ask the pope to transmit them through the inquisitor-general, but that, until the answer was received, no innovation must be attempted. Urban took advantage of the request to assert his supreme authority in a manner for which the Suprema had not bargained, for he annulled all licences, both papal and those issued by the inquisitor-general, the only exception being the one held by the inquisitor-general himself. As all the bishops in Spain were ordered to publish this brief, the Inquisition could not suppress it, however humiliating it was. Cardinal Zapata accordingly published it, February 21, 1628, requiring the surrender of all licences within twenty days, under heavy penalties, and when he issued his Index of 1632 he included in it the brief and his edict.[4]

Urban pursued his victory by instructing Cardinal Mellini to

[1] Archivo de Simancas, Inq., Lib. 940, fol. 10, 11; Lib. 21, fol. 303.

[2] Ibidem, Lib. 940, fol. 18.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 332.

[4] Archivo de Alcalá, Hacienda, Leg. 544² (Lib. 10).—Index of Zapata, *ad calcem*.—Bulario de la Orden de Santiago, Lib. v, fol. 12.—Bullar. Roman. V, 220.

write, December 6, 1628, to Zapata defining his authority to be that of granting licences to learned persons who furnished security that they wished to combat heresy, but the licences were to be limited in time, and to require the recipients to show to the Inquisition what they wrote.[1] This however was a failure, for no attention seems to have been paid to the prescribed limitations. The Inquisition continued its independent course and finally carried its point, to a certain degree, by instructing the tribunals that, if papal licences were presented to them, they were not to be admitted, but were to be forwarded to the inquisitor-general for his action.[2]

Towards the close of the eighteenth century, Llorente tells us that licences were difficult to obtain. When an application was made, the inquisitor-general instituted secret inquiries as to the character of the applicant and, if the result was favorable, he was required to state his object and the nature of the works that he desired to consult; if the licence was granted, it was limited to a specified number of books in a definite branch of literature; permission to keep them was rarely granted, and all licences excepted works directed against Catholicism, such as the writings of modern philosophers.[3] Doubtless this strictness may be true of certain times, but the practice varied according to the temper of the inquisitor-general or Suprema. There sometimes was great laxity, if we may believe the reasons alleged, in 1747, by Prado y Cuesta, for revoking all licences, for he says that on investigation he had found that they were not sought by men of learning, but by the frivolous of both sexes to gratify idle curiosity; many persons merely made a verbal request to read a single book and extended the permission to cover all that they wanted, while others, seeing that ignorant people were licensed, thought that the privilege was general and availed themselves of it without asking.[4] Licences, moreover, were by no means so restricted in character as Llorente asserts. Some issued by Inquisitors-general Bonifaz and Beltran cover all prohibited books, except Machiavelli, Sarpi's Council of Trent, works assailing the Catholic religion and obscenities,[5] and we have seen that religious houses generally and even

[1] Archivo de Alcalá, *ubi sup.*
[2] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 36.
[3] Llorente, Hist. crít., Cap. XII, Art. ii, n. 12, 13.
[4] Edicto de 13 de Henero de 1747 (MSS. of David Fergusson Esq.).
[5] Birch, Catalogue of MSS. of Inq. of Canaries, II, 940–1.

occasionally individuals held licences enabling them to purchase from estates considerable miscellaneous lots of prohibited books, the possession of which, by deceased scholars, shows that they too must have enjoyed similar privileges.

From the very numerous applications for licences made about this time it appears that they were customarily addressed to the Suprema, which referred them to the appropriate tribunal for report as to the age, the learning and the judgement of the applicant. Under the Restoration this inquiry was extended to his moral and political conduct, showing that discrimination was made in favor of those whose conservative tendencies were approved.[1]

We have seen the ferocious penalties of death and confiscation provided in the law of 1558 for unauthorized printing. With these the Inquisition had nothing to do, as its censorship was concerned only with books after publication, and its treatment of those who violated its rules was much more moderate. With its jurisdiction over them it allowed no interference, even from Rome, for, about 1565, it suppressed a papal jubilee indulgence, because it contained faculties of absolution for keeping prohibited books.[2] In the Index of 1559, the penalties threatened for reading, possessing, buying or selling prohibited books were excommunication *latæ sententæ ipso facto*, two hundred ducats and a menace of prosecution for suspicion of heresy and disobedience.[3] In the special edicts prohibiting individual books, there appears to be no established formula. Sometimes the penalty threatened is excommunication and two hundred ducats, sometimes excommunication and punishment at discretion, sometimes excommunication, fine and punishment at discretion.[4]

This discretion manifested itself in a great variety of penalties, moderate and severe, both as regards readers and booksellers, though the latter appear commonly to be the more harshly visited. A rehabilitation granted, September 28, 1647, to Luis Sanaren, bookseller of Saragossa, infers that he had been reconciled and

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 16, n. 5, 7, 8; Leg. 17, n. 4, *passim*.—Archivo de Simancas, Inq., Lib. 559.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 214.—Archivo de Simancas, Inq., Lib. 942, fol. 23.

[3] Reusch, Die Indices, p. 211.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 226.

deprived of his civil rights.[1] Miguel Rodríguez, a bookseller of Madrid, for importing and selling prohibited books, was sentenced, August 1, 1763, to reprimand, absolution *ad cautelam*, certain spiritual penances, all costs of trial and banishment from Madrid for six years, of which the first three were to be spent in an African presidio. This of course meant his utter ruin.[2] At Logroño, in 1645, Fray Tomas de Nieva, for teaching in his professorial chair from a prohibited book, was condemned to grave reprimand before his colleagues, to retract certain propositions, to four years' reclusion, and to perpetual deprivation of teaching and of voting and being voted for.[3] On the other hand, in 1803, Don Jacobo María de Parga y Puga, for the inveterate habit of reading prohibited books, knowing them to be prohibited, in contempt for many years of the authority of the Inquisition, was sentenced by the Madrid tribunal to fifteen days' spiritual exercises and to a private reprimand in the apartments of the inquisitor.[4] So, in 1816, the Suprema, acting on a *sumaria*, and without subjecting the delinquents to a trial, sent to the Santiago tribunal a sentence on Juan Romero for reading prohibited books and on Josef Manuel García for selling and recommending them; they were to present themselves before the nearest commissioner, who was to reprimand and warn them that for a repetition of the offence they would not be treated with the same benignity.[5]

Cases of infraction, until a comparatively recent period, are not frequent. After the excitement of the Reformation was suppressed, intellectual activity in Spain seems to have been reduced to such torpor that the forbidden fruit was little sought. In the Toledo record from 1575 to 1610 there is not a single case, nor is there one in the same record from 1648 to 1794.[6] In the disturbance of thought, preceding and during the revolutionary epoch, prosecutions become more frequent, although still not as numerous as might be expected from the importance claimed by the Inquisition for its services. From 1780 until 1820, in the whole of Spain,

[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 177.
[2] Ibidem, Lib. 877, fol. 96.
[3] Ibidem, Lib. 565, fol. 394.
[4] Ibidem, Lib. 877, fol. 239.
[5] Ibidem, Lib. 890.
[6] These are records of autos. In the Catalogue of Toledo cases prepared by Don Miguel Gómez del Campillo (see Appendix) there are thirty-four attributed to prohibited books. Of these, five are anterior to 1575; then there are none until 1771, followed by six between that year and 1794, but none of them seem to have been pushed to a conclusion except one which was suspended.

the total aggregate amounts only to three hundred and five. During this period, from 1808 to 1815, inclusive, the Inquisition was virtually dormant, having only five cases in all, which would leave, for the remaining years, an average slightly under nine. The crowding of a hundred and one cases into the six years, 1801 to 1806, reflects the urgency with which the government of Carlos IV was endeavoring to restrict the press, and that there were twenty in 1819 is significant of the agitation leading to the revolution of January, 1820.[1] The slenderness of the whole record is the measure of the success which attended the combined action of the state and of the Inquisition in benumbing for nearly three centuries the Spanish intellect.

Although censorship was instituted for the suppression of heresy and for keeping heretical books and propositions from the people, it developed its utility in many directions, more or less connected with its primary object. It was inevitable that it should wage incessant warfare with the countless editions of the Bible with Protestant notes and commentaries, and we have seen how industriously Valdés prepared for his expurgatory Index of the Scriptures in 1554. It was, however, the vernacular versions that caused the greatest anxiety. Prior to the Reformation there was practically no restriction on the circulation of the Bible in the vulgar tongue. It is true that, in the early thirteenth century, the struggle with the Waldenses and the Cathari, who possessed versions of their own, led to prohibitions by Innocent III, in 1199, and by Jaime I of Aragon in 1234, while the Council of Toulouse, in 1229, prohibited the possession by laymen of any portion of the Bible, even in Latin, as well as of the Breviary and Hours of the Virgin in the vernacular, because they contained extracts. The decree of Pope Innocent became embodied in the Corpus Juris and thus remained familiar to canon lawyers; it was adduced in the Repertorium Inquisitorum of 1494, but only in a kind of *obiter dictum*, showing that at that time it was regarded as of no practical moment.[2] Yet from the thirteenth to the sixteenth cen-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[2] Innocent. PP. III, Regest. II, 141, 142, 235.—Lib. IV, Extra, vii, 12.—Constitutions de Cathalunya, Lib. I, Tit. i, cap. 12.—Martene et Durand Amplis. Collect., VII, 123.—Concil. Tolosan., ann. 1229, Cap. 14 (Harduin., VII, 178).—Repertor. Inquisitor, s. v. *Scriptura*.

very rare was the possession of vernacular Bibles. The necessary result was that not only their prohibition but numerous translations were made, especially in Germany. In 1478 Bonifacio Ferrer, brother of San Vicente Ferrer, was printing in Valencia in 1478, under the editorship of the Inquisitor Jaime Borrell.[1]

It was natural that the use made of the Bible by the Reformers should cause the revival of these decrees of prohibition. Even before the compilation of the Indexes we find Inquisitor-general Tavera granting to the Duchess of Soma, wife of the Count of Nasher, a license to keep and read a Bible in Italian, but the permission is limited to one year, showing how carefully it was guarded.[2] It was therefore a matter of course that the Index of 1551 should contain a prohibition of the Bible in Spanish or any other vulgar tongue.[3] This zeal was intensified by the version which the Spanish refugees—Francisco de Enzinas, Juan Perez, Cipriano de Valera and Casiodoro de Reina—perfected and strove to introduce into Spain, but the prohibition was not confined to these. It extended to all fragments and extracts, however orthodox the rendering, as though to keep the unlearned ignorant of the existence of the Bible, or at least to make them understand that it was a wholly forbidden book. The Index of 1559 condemns twenty-two editions of the Hours of the Virgin in Romance, together with all others containing similar superstitions, but the real objection was the passages of Scripture contained in them, and, in 1573, all Hours in Romance were forbidden, as the Council of Toulouse had done in 1229.[4] The extreme care with which the public was guarded from the Bible is seen in the 1583 Index of Quiroga, which, in forbidding all portions of Scripture in Romance, only excepts the fragments embodied in the canon of the mass, and the texts which Catholic writers may cite and explain

[1] Villanueva, De la Leccion de la Sagrada Escritura, p. 8; Append. n. pp. cxxxii sqq. (Valencia, 1791).

[2] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 126.—See Appendix.

[3] Reusch, Die Indices, pp. 74, 76.—The Tridentine Index (Regula 4) while asserting that experience had shown that the indiscriminate popular use of the Bible wrought more harm than good, yet permits bishops and inquisitors to allow vernacular versions to those whom parish priests and confessors recommend as trustworthy.

[4] Reusch, *op. cit.*, pp. 234-5.—Archivo de Simancas, Inq., Lib. 82, fol. 149; Lib. 940, fol. 5.

provided they are not printed alone but are in sermons and other works of edification.[1] So unreasoning was this jealousy that, according to Azpilcueta, there were earnest men who desired to suppress vernacular versions of the Creed, the Paternoster, the Ave Maria and the Salve Regina, a zeal which found practical expression, in 1674, when the Inquisition prohibited a work entitled *Exercicios de Devocion* because it contained translations of the Miserere, the Magnificat, the Te Deum and the Athanasian Symbol.[2] The people were to be kept in such profound ignorance that the Sotomayor Index of 1640 prohibits, not only the vernacular Bible and all its parts, but even summaries and compendiums of it and, as though to render it hateful, in the Edicts of Faith, it was classed with the Koran and other Mahometan books, the possession of which was to be denounced to the Inquisition.[3] It had to watch not only over its Spanish flock, but over its converts in the Indies, when it found that the English Society for the Propagation of the Gospel had caused versions to be made in the Indian tongues and was circulating them in America. This unexpected missionary work called for fresh exertion and, in 1710, we find Clement XI congratulating Inquisitor-general Ibañez on his efforts and urging him to persistent watchfulness.[4]

This treatment of the Bible seems to have piqued the curiosity of the intelligent for, in 1747, Inquisitor-general Prado y Cuesta complains of the inordinate desire of many persons to have it in the vernacular, but, among the mass of the people it produced the impression desired. In 1791, Villanueva tells us that they, who once sought it, now regard it with horror and detestation; many care nothing for it and more are ignorant of its very existence.[5] Yet, within a decade of Prado's utterance, the policy of the Church changed. Although, in 1713, Clement XI, in the bull *Unigenitus*, had condemned the use of the Bible by the laity as a Jansenist error, yet, only forty-four years later, the Congregation of the Index, in 1757, conceded the use of vernacular versions, if approved by the Holy See and accompanied with orthodox com-

[1] Reusch, p. 383.

[2] Azpilcuetæ de Oratione, Cap. xxii, n. 104.—Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 226.

[3] Indice de 1640, Regla 5.—See Appendix to Vol. II, p. 588. Also the later Edict, printed by Llorente in the Appendix to his Hist. crít.

[4] Bulario de la Orden de Santiago, Lib. v, fol. 141.

[5] Edicto de 13 de Henero, 1747 (*ubi sup.*).—Villanueva, *op. cit.*, pp. 56, 200.

ments.[1] This was followed, in 1771, by a version of the Acts of the Apostles by Catenacci, dedicated to Clement XIV and, in 1778, by the brief *In tanta librorum*, in which Pius VI approved of a translation of the whole Bible by Archbishop Martini.[2] The Spanish Inquisition promptly followed the papal example. In 1782, Inquisitor-general Beltran issued a decree reciting that ample cause had existed for exceeding the Tridentine rule, but these causes had ceased and, in view of the usefulness of the sacred text, the Spanish rule was modified to conform to that of Trent, to the decree of the Congregation of 1757 and to the brief of 1778.[3] In 1783 the Suprema ordered that the French version of Le Maître de Saci should be freely allowed[4] and, in 1790, there apppeared in Valencia a complete Spanish translation by Scio de San Miguel, which was speedily and repeatedly reprinted. No such evils have followed as were dreaded for two centuries, showing how much wiser would have been the policy of meeting the heretic Scriptures with an orthodox version, fortified with appropriate comments.

The same jealousy of admitting the vulgar to too great a familiarity with spiritual things showed itself with regard to works of devotion and edification. In 1570 a consulta of the Suprema to the inquisitor-general recommended that the catechism should not be printed in Romance.[5] In the Preface to the Index of 1583, the prohibition of works by men of the highest Christian repute, such as Fisher of Rochester, Thomas More, Gerónimo Osorio, Francisco de Borja, Luis de Granada, Juan de Avila and others is explained, partly by books having been falsely attributed to them, partly by occasional incautious passages, and partly by their not being fitted for circulation in the vulgar tongue. The case of the *Obras del Cristiano* of St. Francisco de Borja is illustrative. In the Index of 1559 it is simply prohibited. After his death, in 1572, as General of the Society of Jesus, Quiroga, in the Index of 1583, added "only in Romance or other vulgar tongue." He was beatified in 1624, but the canonization proceedings were delayed in consequence of his book being in the Spanish Index and, in 1662,

[1] Bullar. Roman., VIII, 420.—Index Benedicti XIV, p. vi.

[2] Villanueva, *op. cit.*, Prologo.

[3] Villanueva, p. 95.—Indice Ultimo, p. xvii.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 61.

For a relaxation of severity as early as 1763 see Archivo de Simancas, Lib. 877, fol. 96.

[5] Archivo de Simancas, Inq., Lib. 940, fol. 18.

the Jesuit Procurator-general applied to the Inquisition to rubricate the leaves of a copy and send it to the Congregation of Rites, so as to remove the impediment, but it was not until 1671 that he was finally enrolled in the catalogue of saints.[1] The effort to suppress mysticism manifested itself, about 1620, in numerous edicts to suppress books of mystic devotion and lives of men and women who evidently were mystics.

Books of ritual were scrutinized with the same captiousness. June 15, 1568, the Pontificals printed in Dueñas and Valladolid were ordered to be seized. In 1583 some pernicious errors were discovered in the Breviary printed in Salamanca, in 1575. Even books so elementary as *cartillas*, or primers, could not escape. A carta acordada of November 6, 1577, alludes to a previous one of June 14th, ordering the suppression of cartillas containing an article entitled "Castigo y doctrina de Caton." Since then, it goes on to say, there have been found in other cartillas various matters pernicious and contrary to the teaching of the Church, especially in those printed by Juan de la Plaza in Toledo, wherefore all cartillas of every kind are to be seized, in the shops and in the hands of children going to school, and orders are consequently given that no one, under pains and censures, shall hold, read, or sell them.[2]

There was little, indeed, to which the Inquisition could not extend the jurisdiction of its censorship. The fifth Council of Lateran had alluded to the danger to the public peace arising from libellous attacks on individuals, as one of the reasons for the examination and licensing of books before printing, but this was a purely secular matter, and the faculties conferred on the inquisitor-general looked solely to the suppression of heresy. Clement VIII, however, in his Index of 1596, included, as subjects of condemnation, defamatory memorials against religion or princes, and this opened the way to much else. It is true that an experienced writer assures us that, although such writing can be suppressed by edict, it cannot be under pain of excommunication, but only as a command under pain of mortal sin, and that the Inquisition cannot proceed against the author unless the faith is involved.[3]

[1] Reusch, Die Indices, pp. 237, 380, 438.—Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 1, fol. 170–1.

[2] Archivo de Simancas, Inq., Lib. 940, fol. 4, 15; Lib. 941, fol. 4.—Archivo hist. nacional, Inq de Valencia, Leg. 6, n. 2.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 323.

These limitations, however, were easily overpassed. We have seen (Vol. I, p. 488) how Inquisitor-general Pacheco, in 1623, condemned some legal arguments in defence of the Chancellery of Granada and commenced prosecutions of the counsel who had drawn them up. His successor Zapata, in 1627, was a trifle more cautious in a conflict wherein the Inquisition was not concerned. The Universities of Salamanca, Valladolid and Alcalá united in an attack on the Jesuits and their new college, when the Inquisition ordered the paper suppressed on the ground that it was anonymous and harsh in style. Then Salamanca came forward and acknowledged the authorship; the Jesuit procurator still asked for its suppression, but the Inquisition decided that it had not the *calidad de oficio* and withdrew the prohibition, but still assumed authority to require the removal of asperities. Philip IV was dissatisfied, as he favored the Jesuits, and asked in what this case differed from others in which Pacheco had suppressed similar papers.[1]

In 1687, the tribunal of Toledo, in a quarrel with the Carthusian house of el Paular, suppressed four memorials of its adversaries to the king, and punished the printer, Lucas Antonio Bedmar, with four years' exile from Toledo and Madrid; the grounds alleged were that they were scandalous, insulting, untrue and defamatory of those mentioned in them; there was no assumption that the faith was in any way involved and it was simply an expeditious way of putting an opponent out of court.[2] Other similar cases will come before us presently and meanwhile we may observe that there was even no scruple in prosecuting individuals, in matters with which the Inquisition seemingly had no concern or jurisdiction, as in the case of Fray Bonifaz de San Pablo, tried in 1791, by the Barcelona tribunal, for attempting to print a satirical paper on his own Carmelite Order, and in that of Josefa and Jacinta López, prosecuted by Toledo, in 1797, on suspicion of having posted some pasquinades, characterized as "infamatorios y herejes cales."[3] The powers of the Inquisition were so elastic that they included the privilege of self-definition; none dared to call them in question, and it seems have been invoked to supply any deficiency in the ordinary machinery of justice—or of injustice.

[1] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 64.

[2] MSS. of Bodleian Library, Arch Seld. A, Subt. 13.—Archivo hist. nacion Inq. de Toledo, Leg. 1.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

Still less concerned with heresy was an important field in which the censorial functions of the Inquisition were employed by the crown, in its frequent struggles with the Holy See. In the middle ages papal domination encroached in many ways on the prerogatives of the temporal ruler, encroachments submitted to, with more or less resistance, by the loosely organized feudal monarchies. As these, in the sixteenth century, transformed themselves into absolutism, it was natural that they should grow restive, and the Reformation, which divided Europe into two hostile religious camps, gave to those sovereigns who remained faithful to Rome the opportunity of advancing their claims as the price of their support. The Spanish kings had always been distinguished by their resistance to papal pretensions and though, throughout the sixteenth century, they sternly kept their people in the Roman obedience, they were none the less resolute in asserting the *regalías*, or royal prerogatives, which in many ways conflicted with what Rome asserted as its rights. In the struggles thence arising, valuable assistance was derived from the works of legists, learned in the imperial jurisprudence and in the fueros, and these *regalistas* became especially obnoxious to the Holy See. Rome has never hesitated to use the powerful aid of the Index in support of Ultramontanism, and it took special care to condemn and prohibit the books of the regalistas. It was impossible for a temporal sovereign to allow the suppression of works written in defence of his sovereignty, and the Inquisition, at least for a time, willingly supported the crown in this, not from loyalty, but because it afforded the opportunity of declaring and maintaining its independence of the hated Congregations of the Inquisition and of the Index.

When Melchor Cano, in 1555, at the request of Charles V, drew up a memoir in which he assailed, with the bitterest invective, the pretensions of the curia, and Paul IV summoned him, as a son of perdition, to Rome for trial, the Spanish Inquisition sided with the sovereign and did not put the obnoxious paper in the Index.[1] Melchor Cano was forgiven, but the causes of dissension remained. One of the chief of these was the jurisdiction exercised by the papal nuncio, bringing in its train a long series of abuses, relief from which was sought by the *recurso de fuerza*, like the French *appel comme d'abus*, admitting appeals to the Council of Castile from all ecclesiastical tribunals. The curia claimed this to be an

[1] Llorente, Coleccion Diplomática, p. 10 (Madrid, 1809).—Reusch, Der Index, I, 303.

invasion of clerical liberty, and the struggle over it was long and envenomed. In 1591 Juan de Roa printed, with a dedication to the king and the approbation of an inquisitor, a treatise entitled "Apologia de Juribus principalibus defendendis," arguing in favor of the royal jurisdiction in such cases, which excited no little indignation in Rome, where it was promptly condemned and burnt. Gregory XIV and the Roman Inquisition instructed the Nuncio Millino to induce Philip II to follow this example, and the succeeding Nuncio Caietano was ordered to labor with the utmost zeal to have the very memory of the book obliterated. So far was he from success that the Inquisition did not censure the work, and Philip rewarded the author with presentation to a priory worth fifteen hundred ducats per annum, of which he was promptly deprived by the nuncio, on account of his unspeakable crimes. So bitter was the quarrel that Cardinal Baronius, in his Annals, so far forgot the impartiality of an historian as to introduce an indecent personal attack on Roa in his account of the Priscillianists of the fifth century. This led to a rumor that his volume would be condemned by the Spanish Inquisition, whereat he complained loudly, in a letter to Padre Antonio Talpa, inveighing against the incredible audacity of the Spanish Inquisition, which placed on its Index whatever it chose.[1]

It was probably this case that led Clement VIII, in the Rules prefixed to his Index, which have been retained in all succeeding Indexes, to order the expurgation of whatever was contrary to ecclesiastical immunity, liberty and jurisdiction. This did not prevent Spanish legists and theologians from defending the regalías. About 1600, Henrique Henríquez, one of the most learned doctors of his day, produced his "De Clavibus Romani Pontificis" in which, like Roa, he maintained the *recurso de fuerza*. By order

[1] Nic. Antonii Bibl. Nova, I. 589.—Hinojosa, Despachos de la Diplomacia Pontificia, I, 352–3, 373.—Baronii Annal., ann. 447, n. 8.—Bibl. nacional, MSS. D, 118, fol. 30, n. 14.

Baronius, in his eleventh volume, which appeared in 1605, included a Tractate on the Investiture of Naples, peculiarly offensive to Spanish pretensions. After the death of Clement VIII (March 3, 1605) he had aspirations for the succession, but Spain exercised her right of exclusion to his discomfiture. Philip III, by edict of October 3, 1610, prohibited the Annals with the Tractate under severe penalties for those who should not, within twenty days, present their copies for expurgation.—Reusch, Der Index, II, 277–80.

This was a royal, not an inquisitorial act. The Annals escaped the Spanish Index.

of the papal nuncio, this was suppressed and burnt so successfully that only three or four copies have survived.[1] That an organized government should permit within its territory an antagonistic foreign power to suppress books defending what it claimed to be its rights was an anomaly which could not be patiently endured. Rome was immovable, and a clash was inevitable. In 1613 appeared the "Tractatus de cognitione per viam violentiæ" by Gerónimo de Cevallos and, in 1617, Philip III, on learning that its condemnation was under consideration in Rome, wrote earnestly to his ambassador to prevent it, and declared that such condemnation would not be received or executed in Spain. This may have delayed but did not prevent the adverse decision, which came December 12, 1624, when Philip IV carried out his father's threat. The Spanish Inquisition did not condemn the work, but merely ordered some clauses altered, and its independence in the matter of censorship was tacitly asserted.[2]

Rome persisted, and independence was definitely asserted. In February, 1627, the Count of Oñate, ambassador to the Holy See, reported the issue of a decree condemning books, some of which were in defence of the regalías. In June, Philip sent this to the Suprema, asking its advice. It replied that, when the decree should come, it would be examined and reported to the king without allowing its publication, for no ecclesiastic or layman in Spain could do so without orders from the Inquisitor-general and Suprema. If such attempts were made, an appropriate remedy would be applied.[3] The issue promptly came. The decree appeared, April 12, 1628, and one of the books condemned was the "Tractatus de Regia Protectione," by Salgado de Somoza, President of the Royal Council and a vigorous upholder of the regalías. When the decree arrived, the king ordered the inquisitor-general to deliver it to him and wrote to all the bishops forbidding them to publish it.[4]

[1] Vicente de la Fuente, Hist. eccles. de España, III, 269 (Ed. 1855).

[2] Alcubilla, Códigos antiguos, p. 1591.—Llorente, Coleccion Diplomática, p. 22.—Librorum post Indicem Clementis VIII prohib. Decreta, pp. 165–66 (Romæ, 1632).—Llorente, Hist. crít., Cap. XXV, n. 119.

[3] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 73.

[4] Ibidem, Inq., Lib. 20, fol. 255.

My copy of the *Tractatus* illustrates a method of satisfying the conscience in possessing prohibited books, at least in Italy. It is of the fourth edition, Lyons, 1669, and a former owner, the Dottore Benedetto Gargdoni, has written on the fly-leaf, over his name, "Animo obtinendi licentiam."

Having thus established its independence, the Inquisition refused to recognize Roman condemnations of books of all kinds. When one was received, it caused the book to be examined by its own calificadores and voted on their report, either to approve or to condemn; whatever was done was its own act and not that of Rome. Another of the works condemned in the decree of April 1, 1628, was a book of extravagant Mariolatry, entitled *Elucidarium Deiparæ*, by the Jesuit Juan Bautista Poza, which had been current in Spain for a couple of years. Poza wrote two abusive letters to Urban VIII, asserting that the Roman Congregations had no jurisdiction in Spain, where its own Inquisition was supreme, and, in 1632, the Congregation retorted by condemning all his works. The Nuncio Monte made great efforts to have this published, but the Suprema had the books examined and only prohibited them until they should be expurgated. It was not always easy, however, to array the bishops in opposition to the Holy See, and in Valencia the self-willed Archbishop Acevedo claimed the right to publish the papal decree, and the tribunal there was involved in some trouble with the episcopal officials.[1]

This was speedily followed by a similar struggle over a vastly more important book—the *Dialogo* of Galileo, on the Copernican system.[2] In a consulta of December 13, 1633, the Suprema represented to Philip that, under the papal delegations, the Inquisition had exclusive control over censorship in Spain. In Rome, prohibitions were issued by the Congregations of Inquisition and Index, which were similar bodies to the Suprema, and it did not recognize them, but only the pope, as its superior. The nuncios were always endeavoring to extend their jurisdiction and required to be watched to avert greater evils. The inquisitors of Cuenca had just written that, by the nuncio's order, the provisor had affixed to the church-doors an edict regarding a book entitled "Galileo Galilei Fiorentino," without having first given notice to the inquisitor-general. The results of allowing the nuncio to do this were foreseen when the Count of Oñate reported from Rome the prohibition of certain books defending the regalías and, as

[1] Catalani de Secretario Congr. Indicis, pp. 41, 52, 63.—Archivo de Simancas Inq., Lib. 20, fol. 255.—Archivo hist. nacional, Inq. de Valencia, Leg. 8, n. 2, fol. 260.

[2] Dialogo di Galileo Galilei Linceo.... Dove ne i congressi di quattro giornate si discorre sopra i due massimi Sistemi del Mundo, Tolemaico e Copernicano. Fiorenza, 1632.

the nuncios were continually endeavoring thus to invade the exclusive jurisdiction of the Inquisition in matters of censorship, the king was asked to sign the accompanying letters to the archbishops and bishops, similar to those despatched in 1627.[1] Of course the king signed the letters; whether the Suprema had Galileo's book examined or not, we have no means of knowing, but the Inquisition escaped the discredit of condemning him, and the name of the illustrious Florentine appears nowhere in the Spanish Indexes.

In the matter of the regalistas, Philip, in a letter of April 10, 1634, to Cardinal Borja, pointed out the unfairness of suppressing legal works defending his side of the controversy with the Holy See, in which the faith was not concerned, and he ordered urgent representations to be made to Urban VIII, with the intimation that, if Rome continued its course, he would suppress all books supporting the papal claims.[2] Remonstrance was in vain. In 1640, Salgado de Somoza's "Tractatus de Supplicatione ad Sanctissimum" was condemned; in 1642, Solorzano's "Disputationes de Indiarum Jure" and, in 1646, six or eight similar works, for which the nuncio was instructed to demand similar prohibition in Spain.[3] Imperious as was this, the act was rendered doubly offensive by causing the condemnation to be published without transmitting it through the Inquisition, thus disregarding the independence claimed by the latter and the courtesy due to a friendly government. Provocation so extreme could scarce have been ventured but for the desperate position of Spain, battling at once with France, with Portugal and with Catalonia. Yet Spain was not sunk so low as to submit. After deliberation in the various councils, Philip, on October 16th, sent to the Suprema three consultas which they had presented and ordered it to advise him. With unusual promptitude it replied, October 20th, expressing its unreserved adhesion to the regalías claimed by the crown, which were founded in rights inseparable from sovereignty, in papal bulls, and in immemorial prescription. The unlawful act of the nuncio was of the highest prejudice; the books condemned had in no way transcended proper limits; their authors were pious Catholics and the works had been circulated in sight of the Inquisition, whose duty it was to watch over such matters. The consulta

[1] Archivo de Simancas, Inq., Lib. 20, fol. 255.

[2] Llorente, Coleccion Diplomática, p. 23.

[3] Index Innocentii XI, 1681, pp. 105, 155.—Index Alexandri VII, Decretorum Index, n. 51.—Reusch, Der Index, II, 373–5.

ended with a promise to suppress the papal decree and to make the fact known everywhere, so as to avert the injury which its publication might have caused.[1] Thus supported by the indignation of all his advisers, Philip issued a decree in November ordering the papal decree to be suppressed; the nuncio was rebuked and told that the royal indignation would seek other means of expression; the ambassador at Rome was instructed to represent the deep resentment which was felt, and to tell the Holy See that this was not a mere matter of opinion, in which it could interfere and dictate to Spain about rights coeval with the crown and always uninterruptedly enjoyed. Opportunity was also taken to reassert emphatically the independence of the Spanish Inquisition and the nullity, without its approval, of the acts of the Roman Congregations.[2] Notwithstanding this, the progressive decadence of Spain encouraged the curia to make another attempt, in 1687, when the nuncio sent a decree of the Congregation of the Inquisition to the bishops, with orders to publish it. The Suprema lost no time in presenting two earnest consultas to the king, urging him to take prompt action in repelling this attempt to subject Spain to the Roman Inquisition.[3]

The persistence of the curia was fruitless. The established custom, resulting from these disputes, as described by an experienced inquisitor, was that, when the nuncio received a brief from the Congregations, he sent it to the Suprema, which ordered the book to be examined by its calificadores and, if they pronounced it objectionable, the Suprema issued a corresponding edict. Twice, he says, the nuncio, in order to evade these rules, caused edicts to be posted in the court-yard of his palace, but the Suprema abrogated them, punished those who did it, and reported to the king in order that he might warn the nuncio to observe the regulations. Sometimes, however, a brief came directly from the pope. Then the matter was in the hands of the king, who retained it and supplicated the pope that it should be published by the Inquisition. In Sicily, no brief was published without receiving the exequatur of the viceroy.[4]

The Inquisition had thus, by supporting the royal jurisdiction

[1] Bibl. nacional, MSS., D, 118, fol. 66, n. 25.

[2] Autos Acordados, Lib. I, Tit. vii, Auto 14.—Novís. Recop. VIII, xviii, 2.—Bibl. nacional, MSS., S, 294, fol. 66.

[3] Archivo de Simancas, Inq., Lib. 26, fol. 121.

[4] MSS. of Royal Library of Copenhagen, 218b, p. 331.

against the papal claims, achieved its independence of Rome, but it was fighting for its own hand and, when its object was attained, its allegiance to the Church outweighed its allegiance to the sovereign. When the question was between its own jurisdiction and that of the crown, its attitude was most decisive. The condemnation by Pacheco of the arguments of Don Luis de Gubiel, in the competencia with the Chancellery of Granada, was not an isolated instance of this. In 1637, there was a bitter controversy between the Seville tribunal and the royal Audiencia, over the banishment of a familiar by the latter, in the course of which the Suprema ordered the suppression of various arguments prepared in support of the royal jurisdiction, and among them one by Juan Pérez de Lara, the fiscal of the Audiencia, written in the strict line of his duty. To this the Council of Castile took exception, in a consulta complaining that it was of great prejudice to the regalías; the paper contained nothing contrary to the faith, rendering it liable to the censure of the Inquisition, wherefore the Council asked that all the documents suppressed should be examined by disinterested persons, and that the Suprema be ordered in future not to suppress any paper in favor of the royal jurisdiction without preliminary notice to the king. To this temperate expostulation the Suprema replied with lofty disdain. The king was told that he should answer all remonstrances as Charles V did, May 17, 1519, to the Diputados of Aragon—"as an affair of the Inquisition, it is not for us to interfere, nor can the fueros of the kingdom impede what the inquisitor-general does, as it is an ecclesiastical case." It was astonished that there should be any question as to the power of the Inquisition, established by papal bulls, decrees of councils and inviolable custom, while the rule of the Index extends this power without limitation, at the discretion of the inquisitors. That the regalías had been threatened was easy of disproof, for the peace and prosperity of the king's dominions were due to the unity of faith procured by the watchful care of the Inquisition. The object of the Council of Castile was to limit the jurisdiction of the Inquisition and to reduce its censorship to a matter of competencias, but the Inquisition alone could decide what belonged to it and what did not belong.[1]

Such being the temper and spirit of the Holy Office, it is not surprising that, when it had secured its own emancipation from

[1] Archivo de Simancas, Inq., Lib. 21, fol. 108.

Rome, it should no longer prove an ally of the crown in defence of the regalías. Llorente mentions two authors—Ramos del Manzano and Pedro González de Salcedo, whose works it condemned for defending the royal prerogative.[1] It could not be depended on for suppressing those which impeached the regalías, and the State, in defending itself, was obliged to resort to its own censorship, as in case of the work entitled "Casos reservados à su Santidad," attributed to Doctor Francisco Barambio, in 1694. It never appeared in the Index, but a royal auto condemned it as subversive of the regalías and prerogatives of the crown, and ordered its suppression under pain of half confiscation and arbitrary penalties.[2]

We have already (Vol. I, pp. 315, 321) seen how, in the eighteenth century, the Inquisition, in the cases of Macanaz and the works of Barclay and Le Vayer, and in that of the Catechism of Mesengui, took sides against the royal prerogative. Although in the former Philip V weakly yielded, Carlos III in the latter, not only temporarily suspended Inquisitor-general Bonifaz, but took steps to protect more thoroughly the crown against papal encroachment, and to limit the censorial powers of the Inquisition. November 27, 1761, he laid down the basis of subsequent legislation in instructions to the Council of State to frame a law adequate to the necessities of the case. In consequence, the *Pragmática del Exequatur* of January 18, 1762, ordered that no bull, brief or papal letter, addressed to any tribunal, junta, judge or prelate, should be published without having first been presented to the king for his approval by the nuncio, while those for individuals should be submitted to the Royal Council to see whether they affected the Concordat, or prejudiced the regalías or the good customs and usages of the kingdom. This was followed by a cédula of August 18th imposing restrictions on inquisitorial censorship, but both of these were withdrawn by decree of July 15, 1763—a decree obtained by the royal confessor, Padre Eleta, working on the king's superstition by representing the loss of Havana as an evidence of divine wrath.[3] This respite, however, was not of long duration. At a junta called, in 1768, to consider matters growing out of the expulsion of the Jesuits, the Count

[1] Llorente, Hist. crít., Cap. xxvi, Art. iii, n. 37, 40.

[2] Autos Acordados, Lib. i, Tit. vii, Auto 21.

[3] Archivo de Simancas, Inq., Leg. 1465, fol. 45.—Ferrer del Rio, Historia de Carlos III, I, 394–5, 398.—Archivo de Alcalá, Estado, Leg. 2843.

of Floridablanca and Campomanes presented a memorial calling attention to the surreptitious introduction of several papal briefs, and to the disastrous influence of the censorship in flooding the land with ignorance. The result of the discussion was the re-enactment of the *Pragmática del Exequatur*, with more enlarged provisions, and a cédula of June 6th providing that the Inquisition should not prohibit any work by a Catholic of good repute, without giving him a hearing or, if he were a foreigner or dead, without appointing for him an advocate of competent character. The circulation of books was not to be suspended under pretext that they were undergoing examination; in those to be expurgated the objectionable passages were to be speedily designated, so that the current reading of them should not be interrupted, and any special propositions condemned were to be clearly indicated, so that they could be expurgated by the owners. Prohibition was to be confined to errors and superstitions and lax opinions prejudicial to religion and morality, and no edict was to be published until it had been approved by the king.[1]

These reforms were in the spirit of those by which Benedict XIV, in the bull *Sollicita ac provida*, had endeavored to soften the rigor of the Roman censorship, but they were largely impracticable. They excited lively opposition, especially the provision allowing the circulation of books during the process of examination, and Llorente tells us that, for the most part, the Inquisition eluded their restrictions. It was of course impossible for the king to pass judgement on all the condemnatory edicts which followed each other in rapid succession and were submitted to him without explanation or record of the author having been heard in his defence.[2] This latter provision however seems to have been observed. In 1775 we find the Suprema sending to Valencia certain conclusions commencing "Sistema phisicum de hominis generatione," together with the papers concerning their condemnation and the cédula of June 16, 1768, so that the party could be heard in defence.[3] The author, however, was not allowed to print and circulate his defence, though he might have licence for enough copies to supply the members of the Suprema; in a case

[1] Llorente, Hist. crít., Cap. XXV, Art. 1, n. 14–15.—Novís. Recop., II, iv, 11; VIII, xviii, 3.

[2] Archivo de Alcalá, Estado, Leg. 2843.—Llorente, Hist. crít., Cap. VIII, Art. v, n. 7, 8.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 23.

in which he distributed them through the universities they were called in and suppressed, and if he attacked the witnesses and calificadores, he was liable to the savage penalties of the bull *Si de protegendis*.[1] Yet to the end the author was entitled to a hearing. In a case occurring at Llerena, in 1816, the Suprema instructs the tribunal to suppress a certain pamphlet in the next edict, but it is to ask the author, Dr. Martin Batincas, whether he desires to defend it; if so to furnish him with the censures, but not the names of the calificadores, when the matter will take its regular course. The provision for a defender in the cases of deceased and foreign authors was similarly maintained. In 1816 the Suprema instructed the Madrid tribunal to take up the case of a book entitled "El Niño instruido," which had been suspended on account of the troubles; now a new edition had appeared, which must be seized and a copy of the censures be furnished to the General of the Barefooted Carmelites; if he should not desire to put forward a defender, the tribunal was to appoint a *defensor de oficio*. So scrupulously was this observed that, in 1817, a single copy of a French book, printed in 1801, entitled "Du Mariage dans ses rapports avec la Religion et avec les lois nouvelles," found in possession of Canon Miguel Cortés, was duly condemned by calificadores when Padre Cento was appointed to defend it and, on his refusal, proceedings appear to have been dropped.[2]

During this later period, the Inquisition and the State were in firm alliance, against their common enemy the Revolution, and the State made full use of the Inquisition as a political instrument, although it had its own elaborate and effective censorship. This employment of the Inquisition was a new development, for in the earlier time, the instances in which inquisitorial censorship was called upon for political service are surprisingly few. In the case of Antonio Pérez, it was inevitable that the Inquisition should prohibit his writings and unauthorized accounts of his persecutions. There was less excuse for suppressing, in 1609, Padre Mariana's volume of essays on account of his criticism of the ruinous debasement of the coinage.[3] There was unworthy complaisance to the Holy See when, in 1606, the Suprema forbade the possession by any one of the papers and memorials issued by

[1] MSS. of Royal Library of Copenhagen, 218b, p. 323.
[2] Archivo de Simancas, Inq., Lib. 890.
[3] Ibidem, Lib. 940, fol. 10, 17, 20.

Venice, in its quarrel with Paul V, on the pretext of their being scandalous to Christendom, and an even greater misuse of its power when it arrested and prosecuted Francisco de la Cueva, a lawyer whom the Venetian ambassador had employed to write in defence of the Republic.[1] On the eve of the Catalan revolt, in 1640, the protest of Barcelona to the king was suppressed as coming under the rules of the Expurgatorio, being seditious, insulting and scandalous, and this precedent was followed with all writings on the subject during the revolt.[2] On the whole, however, throughout the first three centuries of its existence, the political use made of the Inquisition, in this and other ways, was wonderfully small.

It was otherwise when the upheaval came which threatened the stability of all monarchical institutions, and nothing was more dreaded than public opinion, which might develop into action. All the agencies at command of the State were felt to be needed, and Carlos IV hastened to open the way for the Inquisition by declaring, in an edict of 1789, that all which contributed to spread revolutionary principles was heresy, being a doctrinal error, contrary to the teachings of the Apostles Peter and Paul, and this was speedily reduced to practice by an edict of the Inquisition ordering the surrender of all papers coming from France and conveying revolutionary ideas.[3] Watchfulness on importations, especially from France, by both royal and inquisitorial officials, was redoubled, and for years new methods were constantly devised to keep the population in ignorance of events beyond the Pyrenees.[4]

It was in vain. French newspapers and books were smuggled across the frontier, and forbidden speculations on the laws of nature and the rights of man were widely disseminated. When the crisis came, with the deportation of the royal family and the Napoleonic invasion, there was a leaven of liberalism sufficient to find expression in the demand for a new order of things. The Extraordinary Córtes, elected by universal suffrage and assembled at Cádiz in 1810, lost no time in framing a law for the freedom of

[1] Cabrera, Relaciones, pp. 285, 291. The nuncio in Madrid claimed that the Venetian ambassador was under excommunication, causing some troublesome complications in the ceremonial of the court.—Ibidem, pp. 282, 295.

[2] Archivo de Simancas, Inq., Lib. 21, fol. 254.—Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 77, 78, 81.

[3] Llorente, Hist. crít., Cap. xxv, Art. 1, n. 3.—MSS. of David Fergusson Esqr.

[4] Novís. Recop., VIII, xviii, 11-14.—Alcubilla, pp. 1593-4.

Immediately the Royal Council sent out orders to the
ınd military authorities to seize all copies, and the Juez
ıntas did the same to his subordinates, all of which resulted
ş enough of the circulars to show that they had been widely
ɜd. Then the aid of the Inquisition was invoked and, on
ld, the Suprema ordered the tribunals not only to seize
ı but to arrest everybody concerned. Then, on Septem-
, the king reported that the wicked refugees in London,
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had recently obtained contributions and had resumed it,
e fresh diligence was enjoined. Two days later the Supre-
ırded this to the tribunals, with orders to exert themselves
ş the circulars and periodical and also the accomplices
so-called conspiracy. Again, on November 4th, the
called renewed attention to its former letters and enclosed
ɔrder stating that the London ambassador reported the
ce of the second number of the journal, and insisting on
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wever, of any copy of the mysterious periodical being
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ously with this, on November 5th, the Suprema trans-
other royal order stating that letters intercepted in the
ained prospectuses of a periodical entitled "Gabinete de
les politicas y literarias de España y Indias," to be issued
ı by Gallardo, former librarian of the Córtes. The
consequently issued instructions enjoining the utmost
in seizing the prospectus and copies of the periodical.[1]
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vious books and illustrations were to be prohibited
ed.[2] Literature however largely escaped, at least until

[1] Archivo de Simancas, Inq., Lib. 559.
[2] Reusch, Die Indices, pp. 249, 533.

the press. Yet the tradition of the necessity of censorship was so strong that the decree of February 22, 1813, suppressing the Inquisition, transferred to the bishops the jurisdiction over censorship as well as over heresy. The law on the press had provided a control by the State over all printing, and works on religion were subjected to a second episcopal examination, with full power of condemnation and suppression, while elaborate provisions were made for an authoritative Index.[1]

This cumbrous scheme never had vitality, and the Restoration of 1814 restored to the Inquisition its jurisdiction over the press. As soon as it could spare time, during the labor of reconstruction, it addressed itself to the suppression of the revolutionary literature of the previous six years. A carta acordada of October 25, 1814, ordered the tribunals, as speedily as possible, to notify the Suprema of all objectionable books, pamphlets and papers that had been written or printed in their districts, with all details as to authorship and place of publication. From this was compiled a list of a hundred and eighty-three prohibited publications, including thirty-five journals, but an edict of July 22, 1815, described this as incomplete; the faithful were referred to the rules of the Index as defining whatever had been omitted, and all such were to be surrendered within six days, under the traditional penalty of excommunication and two hundred ducats; all the old regulations and Indexes were declared to be in force and, on August 3d, each tribunal was ordered to suppress all objectionable matter printed within its district.[2]

The correspondence of the Suprema, at this period, shows minute and constant watchfulness over the press, and a large part of the labors of the Inquisition, during its brief resuscitation, was devoted to censorship, mostly of a political character. The Constitutionalist refugees, who had fled from the vengeance of the reaction, were busy, with such slender means as they could command, in propagating their ideas, as the Protestant refugees had been in the sixteenth century, and there was the same anxious vigilance to counteract their efforts, while the danger was greater, for a large part of the population was known to secretly share their views. Thus, in 1818, circulars were received in Madrid, announcing the appearance in London of a weekly entitled *El Español Consti-*

[1] Coleccion de los Decretos etc., III, 217 (Madrid, 1820).

[2] Archivo de Simancas, Inq., Lib. 559.—Walton's Translation of Puigblanch's "Inquisition Unmasked," Vol. I, pp. xxxvi–lxvi (London, 1816).

tucional. Immediately the Royal Council sent out orders to the judicial and military authorities to seize all copies, and the Juez de Imprentas did the same to his subordinates, all of which resulted in finding enough of the circulars to show that they had been widely distributed. Then the aid of the Inquisition was invoked and, on August 3d, the Suprema ordered the tribunals not only to seize all copies but to arrest everybody concerned. Then, on September 13th, the king reported that the wicked refugees in London, who had been, through lack of funds, obliged to abandon the project, had recently obtained contributions and had resumed it, wherefore fresh diligence was enjoined. Two days later the Suprema forwarded this to the tribunals, with orders to exert themselves in seizing the circulars and periodical and also the accomplices in the so-called conspiracy. Again, on November 4th, the Suprema called renewed attention to its former letters and enclosed a royal order stating that the London ambassador reported the appearance of the second number of the journal, and insisting on every precaution to prevent its circulation in Spain. There is no trace, however, of any copy of the mysterious periodical being captured by the Inquisition, or of the arrest of any one concerned. Simultaneously with this, on November 5th, the Suprema transmitted another royal order stating that letters intercepted in the mails contained prospectuses of a periodical entitled "Gabinete de Curiosidades politicas y literarias de España y Indias," to be issued in London by Gallardo, former librarian of the Córtes. The Suprema consequently issued instructions enjoining the utmost vigilance in seizing the prospectus and copies of the periodical.[1] The happy faculty of confusing the spiritual and the temporal, so valuable to the medieval Church, had evidently not been lost to the Spanish monarchy.

Although in general the Inquisition carefully abstained from intrusion in the field of morals, yet in censorship it undertook to guard the public from that which might contaminate virtue as well as from what affected faith. This was justified by the rules of the Tridentine Index as well as of that of Clement VIII, in 1596, where lascivious books and illustrations were to be prohibited or expurgated.[2] Literature however largely escaped, at least until

[1] Archivo de Simancas, Inq., Lib. 559.

[2] Reusch, Die Indices, pp. 249, 533.

the later period. The *Celestina* of Francisco de Rojas, of which more than thirty editions were printed in the sixteenth century, its popularity leading to its use as a schoolbook notwithstanding its somewhat crude indecency, escaped attention, until the Index of 1640 ordered the expurgation of about fifty lines, and it was not prohibited until that of 1790.[1]

Art attracted earlier attention, especially when its employment in sacred subjects lacked dignity, however stimulating it might be to the piety of the unlettered public. The first allusion I have met to this function of the Inquisition occurs in 1568, when Inquisitor Moral, in reporting his visitation of San Sebastian, mentions penancing Gracia de Caldiere for possessing a *pintura deshonesta*, whereupon the Suprema told him that he should have sent the picture to it—apparently, as a matter of censorship, it reserved the decision to itself.[2] The next is a carta accordada of 1571, ordering the suppression of some figures on linen of the Crucifixion and the Trinity, in which the calificadores had discovered symbols of Lutheran doctrines, and a series of twelve wood cuts of the Passion, with an epitome on the backs in Latin and French.[3] This is emphasized in the Expurgatory Index of Quiroga, in 1583, of which the twelfth rule is directed against all representations of sacred persons or objects which savor of irrision or irreverence.[4] Spanish piety, in fact, occasionally manifested itself in somewhat grotesque form, as in certain images on linen of the Christ-child, in military uniforms, the suppression of which was ordered in 1619.[5] In 1649, the Suprema was scandalized at the great irreverence and diabolical indecency, with a savor of sacrilege, of ribbons which were called "bowels of angels" or "hearts or entrails of apostles," and, under the customary penalties, it forbade asking for, buying or selling ribbons with such names. A few weeks later it prohibited all razors or knives on the handles of which were engraved images of Christ, the Virgin, the saints or the instruments of the Passion; all found in the shops were to be seized, and the commissioners at the ports were to see that none were imported.[6]

[1] Ticknor's Spanish Literature, I, 235–44.—Index of 1640, p. 948.—Indice Ultimo, p. 40.

[2] Archivo de Simancas, Inq., Lib. 81, fol. 27.

[3] Ibidem, Lib. 82, fol. 1; Lib. 940, fol. 5.

[4] Reusch, Die Indices, p. 385.

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 6, n. 2, fol. 313.

[6] Ibidem, Leg. 1, n. 4, fol. 46, 50.

After the more serious work of the Inquisition was accomplished, in the elimination of Judaism, Protestantism and Islam, its energies were more actively employed in this direction. In 1787 we find the Valencia tribunal prosecuting Francisca Lazaro for indecent songs. In 1803 the *Caprichos* of Goya, the leading artist of the period, wounded inquisitorial sensibilities; he was summoned and his prosecution was commenced, but he was saved by the intervention of Carlos IV. Two of the last acts of the Valencia tribunal in 1820 were proceedings against the "Rime e Prose del Doctor Tomaso Crudeli," which it pronounced to be obscene and impious, and the condemnation of a book called *Il Zibaldone*, for lascivious propositions. The theatre also became subject to inquisitorial censorship. In 1817 a tragedy entitled "La Obstinacion de un Padre" was presented on the Valencian stage, October 9th and 10th; it seems to have excited disapproval and, on the 13th, the MS. was presented to the tribunal for its censure. In Madrid, the Suprema acted as a preliminary censor; in 1815 we find it ordering the local tribunal to examine the opera "El hombre de mal genio y buen corazon," and the comedy "El no de las niñas" and, on the report that the fiscal had no objection to their representation, it gave its assent. So, in 1819, the Suprema returns to the Seville tribunal its *calificacion* of four *saynetes*, or farces, with orders to put it into more intelligible shape, to vote on it and return it for final decision.[1]

Works of art, however, were the principal objects of inquisitorial Puritanism. In 1793, the Valencia tribunal formed a process concerning a certain snuff-box with a scandalous picture, supposed to be in possession of Don Jacinto de Castro, governor of the *sala del crimen*. Solicitude for the public morals was so acute that, October 2, 1815, the Suprema approved a decree of the Madrid tribunal, ordering all the hairdressers of the city to remove from their windows, or alter to decency, the wax busts which they exhibited as specimens of their art—apparently because they made too exuberant a display of their charms. Artists and dealers in pictures were held to a strict accountability. But a week before the last case, the Suprema had considered a prosecution by the Seville tribunal of Juan Rodríguez and Domingo Alvarez of Cádiz, the former for painting and the latter for exhibiting in his shop a

[1] Archivo hist. nacional. Inq. de Valencia, Varios, Leg. 392, n. 26; Leg. 390; Leg. 47.—Yriarte, Goya, sa Biographie etc., p. 105 (Paris, 1867).—Archivo de Simancas, Inq., Lib. 890, Lib. 435[2].

picture called Diana, provocative by its posture and nudity. They were ordered to appear before the commissioner of Cádiz, who should reprimand and absolve them from the excommunication incurred, and warn them that a repetition of the offence would be visited with the penalties provided by Regla XI of the Expurgatorio—banishment and five hundred ducats fine. Six months later, Pasqual Franchini for two *pinturas obscenas* was fined a hundred ducats and, as he was ordered to be set at liberty, it is evident that he had been imprisoned; he pleaded poverty and his fine was kindly reduced. Three months later, Santiago Schmidt and his son Josef were sentenced, by the Madrid tribunal, for selling to the Prussian ambassador an indecent picture for eight thousand reales; for this they were fined two thousand reales, which the Suprema benignantly reduced to fifty ducats.[1]

Doubtless in this case ambassadorial privilege saved the purchaser from prosecution, for the possession of objects regarded as immoral was *calidad de oficio*, and the records are full of cases against those who owned snuff-boxes, watches, packs of cards etc., with indecent figures or inscriptions, as well as of pictures, engravings and books with plates that offended the modesty of the censors. No doubt much of what was condemned was thoroughly vicious and disreputable, but the resultant purification scarce compensated for the invasion of private life and the stimulus to the detestable habit of espionage and denunciation, through which alone such matters could come to the knowledge of the tribunals. Much good art, moreover, was undoubtedly sacrificed by ignorant censors, for the objects thus condemned were destroyed. In 1805 at Valencia a painting on copper of the Adultery of Venus was thus ordered to be effaced, and when this was done the sheet of copper was delivered to the alcalde del crimen, to be restored to the owner. Akin to this was the tearing out of objectionable plates from books, which happens to be mentioned, in 1819, in the case of Don Luis Monfort, a captain of artillery.[2]

Thus the censorship of the Inquisition was all-embracing, from the most dangerous heresies of Luther and Calvin, the popularization of Scripture, the relations between Church and State and the liberalism of the modern era, down to the veriest trifles. It

[1] Archivo hist. nacional, Inq. de Valencia, Varios, Leg. 392, n. 15.—Archivo de Simancas, Inq., Lib. 890; Lib. 435².

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 324; Leg. 100.

was an engine of immense power, constantly applied for the furtherance of Obscurantism, the repression of thought, the exclusion of foreign ideas, and the obstruction of progress. It was accompanied by a state censorship, based upon the law of 1558, perfected in innumerable successive regulations, of a character most vexatious and embarrassing to authorship, and this duplication of censors exercised a most deplorably depressing influence on literature and culture. Authorship was discouraged by the uncertainty whether works, on which perhaps years of labor had been spent, would secure a licence to print; the business of publication was rendered extra-hazardous by the fact that a book, printed with due licence from the state, might at any moment be prohibited by the Inquisition and the whole edition be seized and destroyed, while purchasers who had bought such a licensed book were liable to be deprived of it without compensation. Thus, between the state and the Inquisition, whether working in unison or at cross-purposes, the intellectual development which, in the sixteenth century, promised to render Spanish literature and learning the most illustrious in Europe, was stunted and starved into atrophy, the arts and sciences were neglected, commercial and industrial progress was rendered impossible, and the character which Spain acquired among the nations was tersely expressed in the current saying that Africa began at the Pyrenees.



APPENDIX.

STATISTICS OF OFFENCES AND PENALTIES.

(See p. 93).

It is manifestly impossible to compile the statistics of inquisitorial activity during the centuries of its existence and amid its numerous tribunals, but some fragmentary figures may serve to illustrate the comparative frequency of the offences with which it had to deal and the character of the punishments which it inflicted. As regards the latter it will be remembered that the sentences usually comprised several penalties.

Offences.

The following summary of cases acted upon by the tribunal of Toledo is condensed from the "Catálogo de los causas contra la fe seguidas ante el Tribunal del Santo Oficio de Toledo" (Madrid, 1903) prepared by Padre Fresca, S. J., and Don Miguel Gómez del Campillo, from the original records. As the earliest case is of 1483 (p. 192) and the latest of 1819 (p. 81) it would appear to cover the whole activity of the tribunal, but it is manifestly imperfect, in view of the masses of Judaizers reconciled and the effigies burnt of the dead and fugitives, in the early years of the organization (Vol. I, pp. 165–72, 183). In a minor degree this is also shown by comparison with tables below of portions of the period from other sources. These latter also have interest as indicating changes in the character of offences at successive periods.

The classification of Señor Gómez del Campillo is as follows:

Bigamy	188	Insults to officials	186
Blasphemy	755	Personating priesthood	33
Fornication not a sin	259	Judaizers	977
Personating officials and forged licences	48	Prohibited books	34
Fautorship of heretics	60	Moriscos	219
Sorcery	296	Irreverence and scandalous speeches	551
Heresy—Illuminism	39	False witness	34
Anglicanism	14	Propositions, erroneous	60
Calvinism	18	scandalous	63
Freemasonry	3	heretical	46
Lutheranism	79	Marriage in Orders	16
General	72	Sacrilege	74
Deluded and deluders	25	Solicitation in confession	105
Impeding the Inquisition	62	Various	43
Violation of disabilities	91		

A MS. volume in the Library of the University of Halle (Yc 20, Tom. I) contains the reports to the Suprema by the tribunal of Toledo of its operations, from the auto de fe of September 4, 1575, to that of February 7, 1610. The auto of 1595 is however missing and the report of the last one is incomplete, breaking off at the tenth case. So far as it goes, the record for these 35 years embraces 1172 cases, an analysis of which yields the following results:

Bigamy	53
Blasphemy	46
Fornication not a sin	264
Personating officials	13
Sorcery	18
Heresy, Illuminism	12
Protestant sects	47
Greek Christians	3
Offences against the Inquisition	22
Personating Priesthood	25
Judaizers	174
Moriscos	190
Irreverence	5
False witness	8
Do in cases of Limpieza	57
Solicitation in Confession	52
Propositions, Marriage better than priesthood	30
Scholastic discussion at Alcalá	7
Ridicule of pious observances	3
Story about St. Peter	4
Excuse for blasphemy	1
On God	9
On Christ	5
On the Virgin	4
On Magdalen	4
On Belief in Virgin and Saints	1
On the Grace of God	1
On Salvation	12
On the Resurrection	6
On the Future Life	4
On Indulgences	9
On Images	6
On the Necessity of Mass	6
On Confession	5
On Intercessory Prayer	1
Propositions—	
On Offerings for the Dead	3
On the Eucharist	3
On the Sacraments	1
On Canonization and Saints	3
On the Authority of Scripture	1
On the Miracle of the Loaves and Fishes	1
On the Stigmata of St. Francis	1
On Excommunication	1
On Marriage and Adultery	9
On Oaths	1
On Holy Orders	1
On Moors	1
On Self-Damnation	1
On Infidelity	1
On Impeccability	1
On Sin inevitable	1
On the Papal Power	2
On Women	1
On Homicide	1
On the Inquisition	3
On the Royal Power	3
On Incest	1
On the Defeat of the Armada	1
Various	8
Offences of Officials	22
Slander	1
Hermaphrodite	1
Quarrel over an Irish Benefice	1
Imposture	1
Smuggling of Horses	1
Apostate Frailes	2
Favoring Vandoma (Henry IV)	1
Irregularities	1

In Legajo I of the Archivo histórico Nacional, Inquisicion de Toledo, there is a volume of which the introductory lines state that on February 8, 1648, Gonzalo Bravo Graxera, then inspecting the tribunal, reminded the inquisitors that a *carta acordada* of May 22, 1570, required a register to be kept of all penitents appearing in the autos, with their punishments. Thereupon a book was procured for the purpose and the record commenced. It extends from 1648 to 1794 and is doubtless complete. An analysis of this yields the following results:

Bigamy	62	Marriage in Orders	10
Blasphemy	37	Solicitation in Confessional	68
Fornication not a sin	3	*Mala doctrina* in Do	9
Personating officials	4	Rebaptism (Greek)	1
Fautorship	16	Errors	1
Sorcery	100	*Hipocrita*	1
Illuminism (Molinism etc.)	17	Fray Berrocosa	2
Protestantism	11	Gypsy	1
Heresy	3	Greek	1
Suspicion of Heresy	2	Atheism	1
Deluded and Deluders	16	Burlesque Sermon	1
Impeding the Inquisition	13	Threatening a witness	1
Insulting officials	3	Hiding confiscated property	1
Disrespect to Inquisition	5	Offence of a Notary	1
Speaking ill of Do	1	Blackmailing	1
Personating Priesthood	12	Breaking prison	2
Judaism	659	Do exile and presidio	4
Mahometanism	5	Non-performance of sentence	1
Apostasy	2	*Cofradia execrable*	1
Irreverence and Sacrilege	3	Improper rules for a Congregation	1
Propositions	74	Printing without licence	1

In the Royal Library of Berlin Qt. 9548 is a volume containing relations of sixty-four autos held in various tribunals, between 1721 and 1727. During this period inquisitorial energy was mainly directed against Judaism, as will be seen from the following summary of the cases:

Bigamy	35	Personating officials	1
Blasphemy	4	Judaism	824
Fautorship	2	Apostasy	6
Sorcery etc.	57	Mahometanism	1
Protestantism	3	Marriage in Orders	1
Heresy	4	False witness	17
Deluders	2	Rebaptism	2
Personating Priesthood	1	Breaking prison	3

PUNISHMENTS.

In the Toledo record of 1575–1610 the sentences include

Relaxation in Person	15	To be last in Choir and Refectory	26
in Effigy	18	The Discipline	11
Confiscation	185	Spiritual Penances	17
Fines (aggregating 2,586,625 mrs.)	141	Hearing Mass as Penitent in Church	66
Reconciliation	207	Do in Audience-Chamber	150
in Effigy	1	Abjuration *de vehementi*	21
Sanbenito	186	*de levi*	49
Imprisonment	175	Reprimand or warning	56
Reclusion in convent or hospital	87	To write no more books	1
Galleys	91	Temporary suspension from priestly functions	1
Scourging	133	Public recantation	1
Vergüenza	26	Cases dismissed	30
Exile	167	suspended	98
Prohibition to leave Spain	6	Acquittals	51
Gagging	20		
Deprivation of Confessing	42		
Disability for Orders	10		

The Toledo Record from 1648 to 1794 yields the following summary:

Relaxation in Person	8	Vergüenza	10
in Effigy	63	Exile	566
Confiscation	417	Deprivation of confessing	68
Fines (aggregating 30,600 ducats)	50	Disability for Orders	3
Do of half property of culprits	14	Suspension from Orders	4
Reconciliation	445	Do from confessing	1
Prison and sanbenito, short terms	183	Do from preaching	11
Do Do perpetual	161	Deprivation of priestly functions	5
Do Do irremissible	82	Degradation from priesthood	1
Reclusion in convents etc.	91	Abjuration *de vehementi*	51
Galleys, Presidios and Arsenals	98	Do *de levi*	314
Scourging	92	Reprimand	467
		Cases suspended	104
		Acquittals	6

The sentences in the sixty-four autos de fe between 1721 and 1727 include:

Relaxation in Person	77	Prison etc. irremissible	275
Do in Effigy	74	Galleys and Presidio	99
Confiscation	776	Scourging	297
Fine of one-half of property	12	Vergüenza	13
Reconciliation	630	Exile	189
Prison and sanbenito, short terms	252	Abjuration *de vehementi*	31
Do perpetual	113	Do *de levi*	125

DOCUMENTS.

I.

CONCLUSION OF SENTENCE OF RELAXATION OF DON GASPAR DE CENTELLAS, FOR PROTESTANTISM, VALENCIA, SEPTEMBER 17, 1564.

(MSS. of Library of University of Halle, Yc, 20, Tom. XI).
(See p. 94).

CHRISTI NOMINE INVOCATO.

Ffallamos, attento los auttos y meritos del dicho processo que el dicho promotor fiscal provó bien y cumplidamente su acusacion y querella, Damos y pronunciamos su intencion por bien provada, en consequencia de lo qual que devemos declarar y declaramos el susodicho Don Gaspar Centellas ser herege y estar suficientamente convencido por suficiente numero de testigos y demas desto haver confessado, affirmado y defendido pertinazmente ante nos las dichas proposiciones hereticas y por tales condenadas y declaradas y que le devemos condenar y condenamos que el dia del aucto de la fe salga al cadahalso con insignias de relaxado y que alli le sea leyda publicamente esta nuestra sentencia por la qual le declaramos por herege abominable, pertinaz, obstinado y endurecido y por ello haver cahido y yncurrido en todas las penas en que cahen y yncurren los semejantes hereges ympenitentes y pertinaces, y porque por todas vias se ha procurado con el susodicho con toda solicitud y cuydado de attraerlo y reduzirlo a nuestra santa fe catolica, ofreciendole toda benignidad y misericordia de que el no se ha querido ni quiere aprovechar y pues la santa madre yglesia no tiene otra cosa ni remedio de que usar con el susodicho, pues el la menosprecia, sino relaxarlo à la justicia y brazo seglar como à miembro podrido, ynfecto, pestifero y nocivo, porque otros no se dañen ni padezcan con el, por esta nuestra sentencia, como à herege pertinaz y obstinado, lo relaxamos al muy ilustre señor Don Joan Lorencio de Villamasa, Visorrey y capitan general por su Magestad en esta ciudad y Reyno ò al muy magnifico Mossen Quille Ramon Catalan, justicia criminal en esta dicha ciudad, ò à quien la punicion y castigo del dicho crimen pueda pertenecer y pertenezca y à su señoria pedimos por merced y al dicho justicia muy affectadamente rogamos y encargamos que con el susodicho se manden haver y ayan misericordiamente.

Otrosi por quanto el dicho delicto y crimen de la heregia excede y es muy mayor sin comparacion que otro alguno por ser cometido contra la divina Magestad y por su graveza por que en las personas de los perpetradores del no puede ser suficientemente punido ni castigado y la pena del sestiende à los bienes, progenie y posteridad de los que lo cometen, por esta nuestra sentencia declaramos sus bienes ser confiscados à la camara y fisco Real de su Magestad desde el tiempo que cometiò los dichos delictos con los quales mandamos acudir al magnifico Mossen Bernardino Gutierrez recetor deste S^to^ Officio en su nombre, y los hijos, hijas, nietos y nietas del dicho don Gaspar Centellas, herege ympenitente pertinaz y obstinado, descendientes por linea masculina en segundo grado y por feminina en primero, ser privados de todas y qualesquier dignidades, beneficios y officios ecclesiasticos y seglares que sean publicos y de honrra que los susodichos tienen y possehen, y ser inabiles e yncapaces para ympetrar, tener y posseher otros de nuevo, ni poder ser justicias, jurados, clerigos ni notarios ni otro ninguno officio publico de onrra, e no poder traer sobre si ni en su persona oro, plata, perlas, piedras preciosas, seda, grana, chamelote ni paño fino, armas, ni cavalgar en cavallo, hazer ni traer otra cosa alguna de las que por derecho e ynstructiones deste S^to^ Officio le son prohibidas, y por esta nuestra sentencia definitiva juzgando ansi lo pronunciamos, sentenciamos y mandamos en estos escritos y processo pro tribunali sedendo.

El Licenciado Aguilera. Don Miguel Vich.

Sentencia dada y promulgada por el Señor Inquisidor el licenciado Bernardino de Aguilera los dia mes y año susodichos en presencia de las partes susodichas las quales passaron por ella.

Presentes fueron por testigos à la publicacion de la dicha sentencia los discretos Miguel Perez de Huermeda, Pere Lopez y Francisco Pastor notarios y muchos otros vezinos de Valencia. Passo ante me, Miguel Bellot, notario.

II.

Release from Perpetual Prison and Sanbenito.

(Proceso de Mari Gomez, fol. xxxx.—MS. in possession of the Author).
(See p. 161).

Nos los del consejo de sus Mag^des^ que iintendemos en las cosas tocantes al officio de la S^ta^ Inq^on^ hazemos saber a vos los R^dos^ inq^res^ contra la heretica pravedad y apostasia en la cibdad y arçobpãdo de

toledo y su partido que vimos la Relacion que por ñro mandado embiastes de los meritos del processo de mari gomez muger de diego carrillo herrero vezino de daimiel por la qual paresce que fue rrecibida a rreconciliacion y condenada a carcel perpetua y habito en diez y seiss dias del mes de Julio del año pasado de quinientos y quarenta e un años y que despues aca cumple bien su penytencia, por lo qual y por otras cabsas que nos mueven, queriendo usar de piedad y clemencia con la dha mari gomez nuestra voluntad es de le mandar comutar la penytencia de la dha carcel perpettua y habicto en otras penytencias espirituales, por ende nos vos encargamos y mandamos que luego que esta nuestra provision vos fuere presentada comuteys a la dha mari gomez la penytencia de la dha carcel perpettua y habicto en otras penytencias espirituales de ayunos, rromerias y oraciones como à vos otros bien visto fuere, y ansi comutada mandadle quitar el dho habito y soltar de la carcel en que estoviere para que se haya y este libremente do quisiere e por bien toviere, con tanto que no sea fuera de los reynos y señorios de castilla y de leon y con que haga y cumpla todas las otras cosas contenidas en la sentencia que contra ella se dio e pronuncio que fasta aqui no obiere fecho y cumplido e fuere obligada a fazer y cumplir. Fecha en la villa de madrid a xvi dias del mes de noviembre de myll e quinientos e quarenta y cinco años.

III.

Disabilities of Descendants of Prisoners.

(Archivo General de Simancas, Registro de Genealogias, No. 916, fol. 61). (See p. 178).

D. Cristóbal de Cos y Vivero, Secretario del Rey Nuestro Señor del Consejo de S. M. de la Santa General Inquisicion por lo tocante á la Corona de Castilla y de Leon etc.—Certifico: Que en el dia diez y siete del corriente mes de Enero se acudió al Exmo. Señor Obispo Inquisidor General por parte del Licenciado Don Mariano de Santander y Albarez y hizo presente ser publico y notorio que en año pasado de mil setecientos noventa y ocho fué procesado por el tribunal del Santo Oficio de dicha ciudad D. Mariano Santander su Padre y que lo es tambien que no lo fué por delitos de heregia ó apostasia y sí solo por asuntos relativos á su comercio de Libros y haberse excedido tal vez en el exercicio de su profesion. Que el expresado tribunal con un pleno conocimiento de el proceso manifestó en su definititiba que la formacion de causa y prision que sufrió con lo demas que en ella expresó no le perjudicaba ni obstaba á sus hijos y descendientes para disfrutar

de todos los efectos civiles de los que á consecuencia de esta decision ha gozado sin interrupcion y goza actualmente: Que sin embargo por lo reserbado de los asuntos que se tratan en el Santo Oficio y mucho mas por haberse tambien traspapelado con el transcurso del tiempo el certificado que de la decision de la causa se dió por dicho Tribunal al Padre del exponente para su resguardo y el de sus descendientes no era facil tratandose de unas pruebas formales como necesitaba para incorporarse en el ilustre Colegio de Abogados de aquella Real Chancillería hacer constar sin ningun genero de duda quanto llebaba expuesto. Por lo que suplicaba se le mandase dar la correspondiente Certificacion de no obstancia.—Y vista en el expresado consejo de S. M. de la Santa general Inquisicion la suso dicha representacion con los antecedentes que obran en su archivo concernientes á la causa seguida en el Tribunal de Valladolid y determinado en el año pasado de mil setecientos noventa y ocho contra Don Mariano Santander, Padre del exponente, por comercio ilicito de Libros prohibidos vino en declarar y declaró en Decreto de diez y nuebe de este mismo mes que la referida causa no obsta al nominado Don Mariano Santander y Albarez, ni le perjudica como ni tampoco á sus Descendientes para obtener Empleos publicos y de honra ni para disfrutar plenamente de todos los efectos civiles, mandando se le diese certificacion para su resguardo y lo demas que le convenga. Eu cuyo cumplimiento doy la presente sellado con la sella de la general Inquisicion en Madrid á viente y siete de Enero de mil ochocientos diez y ocho.

DON CRISTOVAL DE COS Y VIVERO.

IV.

CONSULTA OF THE SUPREME COUNCIL OF PORTUGAL, JANUARY 17, 1619.

(MSS. of Bodleian Library of Oxford, Arch. Seld. A, Subt. 17).
(See p. 275).

Señor—Los Inquisidores de la Ciudad de Coimbra y su distrito enviaron a V. M[d] la relacion inclusa de las personas que salieron en el Auto de la Fe que se celebrò en aquella ciudad el Noviembre passado, algunos de los quales poco antes avian sido presos en la ciudad del Puerto, y con esta ocasion el Obispo Inquisidor General escribiò à V. M[d] que sin ningun escrupulo affirmaba que todo Portugal en la materia de Judaismo estaba contaminado y que convenia aplicar remedio pronto para que aquellos reynos de V. M[d] no tuviessen los castigos que amenazaban tantas heregias, porque el Judaismo era muchissimo,

los sacrilegios infinitos, canonigos presos, Frayles huidos, y quatro Monjas inclusas en las carceles del S^to^ Of^io^ y que pudiera decir à V. M^d^ que le impiden las lagrimas y que vuelve à acordar à V. M^d^, acabando de celebrar, que es necessario remedio breve en que muestre V. M^d^ su pecho catolico, reformando estos males; porque no ay Reyno sin fe y buenos costumbres; y que à V. M^d^ le conviene no solo tener vasallos sino buenos vasallos, como lo dicen los Santos; y que postrado à los reales pies de V. M^d^ dice lo que entiende y lo en que ha pensado muchos tiempos ha.

Todo lo que el obispo Inquisidor General apunta de quan inficionados de Judaismo estan aquellos Reynos con continuos sacrilegios y graves offensas de Dios N^ro^ S^r^, de que se sigue grandissimo escandalo al pueblo christiano, es muy presente al Consejo, y con el sentimiento que se debe à calidad de materia tan grave, se ha tratado muchas vezes del remedio que puede aver, para expurgar aquellos Reynos de gente tan infiel y pertinaz, sin daño comun, evitando los castigos generales y trabajos que por su respeto se entiende que padecen los mismos Reynos tantos años ha.

Y porque unos de los medios mas adequados para lo que tanto importa al servicio de Dios y de V. M^d^ se juzga que seria de desterrar á los christianos nuevos que, siendo presos por el S^to^ Of^io^ fuessen condenados en perdimiento de las haciendas para el Fisco, pues iendo pobres no podran ayudar à los enemigos de V. M^d^ con gruessos caudales como aora lo hacen, y se escribiò al Marques de Alenquer, Virrey, que de parte de V. M^d^ encargasse al Obispo Inq^r^ Gen^l^ que tratasse este punto con los del Consejo General del S^to^ Of^io^ y el modo con que se podia executar, para que considerandolo todo consultassen à V. M^d^ por orden del mismo Virrey, lo que se les offreciesse, que como se satisfaga à esta diligencia (que debe ser con brevedad) dira el consejo à V. M^d^ lo que le pareciere y de ella huviere resultado, y Mendo de la Mota propone en su voto, que esta muy bien considerado y tendra entonces mas propio lugar.

Y porque en Portugal se hace aora visita general del S^to^ Of^io^ de que se ha seguido notable fruto; porque se prendieron muchos Christianos nuevos en la ciudad del Puerto, particularmente dos Monjas de S. Francisco y otra de S. Bernardo y en Coimbra dos Canonigos de aquella Iglesia, de los quales es uno Fernando Diaz de la Sylva que vino proveido de Roma en un canonicato y por instancias que hizo el Nuncio, en nombre de su Santidad, en su favor, permitiò V. M^d^ que se le diesse la possession, y en Lisboa à Marcial Nuñez que era Juez Apostolico, de todo lo qual consta lo poco que se puede fiar de qualquiera persona de essa Nacion.

En esa Corte viven muchos de ella, naturales de Portugal, que, por no ser conocidos, se presume con fundamento que tienen necessidad de ser visitados por la Inq^n^. Acuerda el Consejo à V. M^d^ que debe

mandar ordenar al Consejo General del S^to^ Of^io^ que trate de hacerlos visitar.

Mendo de la Mota acrecienta que, siendo la principal obligacion de V. M^d^ limpiar sus Reynos de toda especie de Herejia ò Infidelidad, y aviendo mostrado la experiencia por tan largo discurso de tiempos quantos males ha causado en los Reynos de Portugal la perfidia Judaica y Judaismo, que se entiende ser una de las das causas principales porque Dios le ha dado tan graves castigos. Le parece que tiene V. M^d^ obligacion en Ley Divina y natural à mandar desterrar de sus Reynos y Señorios todos aquellos que ò fueren declarados por herejes ò abjuraren de vehementi sospechosos en la Fe; y que assi lo debe V. M^d^ mandar executar luego en los que han salido en este cadahalso de Coimbra y en todos los demas que fueren condenados y declarados de aqui adelante por herejes. Porque de lo contrario se sigue estar siempre viva la semilla del Judaismo, quedando las mismas raizes en el Reyno con que se aumenta y conserva. Y que demas de la pureza de la Religion Catholica à que V. M^d^ como Rey esta obligado y los grandes y continuos sacrilegios que esta gente comete, profanando y injuriando los Sacramentos, consideran que por si solos bastaban para mover el catholico y real animo de V. M^d^ ordenar assi. Porque no puede dexar de estar expuesto à muchos peligros el Reyno que tiene dentro de sus venas humor tan pestilente y de que naceran crueles enemigos como son los que engendra la diferencia de Religion y que no podra ser de ningun inconveniente irse esta gente à otros Reynos extrangeros. Porque como se le confisca la hacienda por el crimen de la Herejia, queda tan pobre y mesquina que en ningun parte pueda dar cuidado: antes por este medio ira V. M^d^ limpiando sus Reynos poco à poco, sin hacer ningun movimiento en ellos, hasta que Dios sea servido descubrir otro camino para limpiarlos del todo.

Decreto de su Magestad.

En una consulta del Consejo de Portugal de 17 de Henero de 1619 se trata de los de la nacion Hebrea que ay en aquel Reyno con ocasion del auto de Inq^a^ que se hizo el año antes en Coimbra y uno de los puntos de esta Consulta es que convendria desterrar no solo à los que fueron declarados y condenados por herejes sino tambien à los que huvieren abjurado de vehementi: y se entiende à esta segunda calidad de gente no se le confiscan los bienes por el S^to^ Of^io^. Aviseme el Consejo que opinion tiene quanto à esto; y si aurian de ser desterrados del Reyno aun en caso que no se les confiscassen los bienes: pues en el seria forzoso que saliendo del Reyno sacassen tambien sus bienes. Cosa en que parece ay razones para reparar, no siendo este remedio obligatorio y necessario en conciencia, que siendolo claro està que se ha de vencer

qualquier inconveniente que se pudiesse representar. En otro de lo puntos trata el Consejo de Portugal que convendria visitar expressamente todos los de la nacion que de aquel Reyno huviessen passado à los de Castilla; y para hacer esta visita es necessario que el Inq^{r} Gen^{l} ó Consejo de la Inq^{n} de Portugal embie una lista de los Christianos nuevos de aquel Reyno que andan por Castilla. Y si algunos de ellos tuviere sobre si causas de particular sospecho en materia de la Fe lo apunten en la margen. Y se me embiaran las cartas para el Inq^{r} Gen^{l} de Portugal en la forma y por la via que se suele, para que Yo las firme. Y en lo demas que contiene la dicha consulta quedo mirando para responder à ella.—Rey.

V.

Cases of Heresy Tried by the Tribunal of Valencia Between 1455 and 1592.

(Archivo historico nacional, Inquisicion de Valencia, Legajo 98).
(See p. 345).

Year.	Cases.	Year.	Cases.
1455	3	1514	63
1461	7	1515	34
1482	11	1516	41
1485	19	1517	25
1486	14	1518	21
1487	15	1519	22
1488	18	1520	36
1489	20	1521	31
1490	28	1522	40
1491	51	1523	37
1492	6	1524	40
1493	4	1526	47
1494	10	1528	42
1495	10	1529	44
1496	15	1530	20
1497	24	1531	58
1499	15	1532	1
1500	35	1533	61
1501	36	1534	25
1502	9	1535	2
1503	11	1536	39
1505	31	1537	69
1506	20	1538	112
1507	7	1539	79
1508	14	1540	53
1509	26	1544	79
1510	10	1545	37
1511	12	1546	49
1512	32	1547	12
1513	41	1548	15

Year.	Cases.	Year.	Cases.
1549	4	1577	13
1558	2	1578	15
1560	15	1579	24
1563	62	1580	37
1564	38	1581	22
1565	66	1583	8
1566	41	1584	29
1567	54	1586	64
1568	68	1587	35
1570	16	1588	21
1571	55	1589	94
1572	32	1590	49
1573	34	1591	270
1574	16	1592	117
1575	20	Amounting in all to 3125 cases.	
1576	16		

In Legajo 300 of the same archives there is a list of relaxations in Valencia from 1486 to 1593. As customary in these registers it is arranged alphabetically under the baptismal names and is unfortunately incomplete, ending with the letter N. From other similar lists it appears that the letters A–N comprise substantiatly four-fifths of the whole and therefore if twenty-five per cent. be added to these figures it will probably give a close approximation to the whole number. Arranged chronologically it presents the following results.

Year	Relaxed in person.	In effigy. Absent.	In effigy. Dead.	Year.	Relaxed in person.	In effigy. Absent.	In effigy. Dead
1486	10			1524	13		
1487	10			1526	15		
1489	8			1528	23		
1490	18			1529	24		
1492	12			1530	1		
1493	18			1531	37		
1496		1		1533	8		
1497	4	79		1536	12		
1498	1	28		1537	1		
1499		63		1538	11		
1500	3			1539	4		
1501	15			1540	4		
1502	13			1544	3		
1503	4			1545	3		
1505	13		51	1553	1		
1506	4		22	1554	15		
1508			48	1563	6		
1509	12		3	1564	3	1	
1510	9	4	10	1566	3		
1511			32	1567	4		
1512	1		8	1568	2		
1513	12		1	1571	1		
1514	52		8	1572	5		
1517	4		6	1573	3		
1520	27			1574	7		
1521	8	3		1575	2	1	
1522	6			1576	1	1	1
1523	8			1577	5		

Year.	Relaxed in person.	In effigy. Absent.	Dead.	Year.	Relaxed in person.	In effigy. Absent.	Dead.
1578	3		1	1586	3		2
1579	1			1590	1	2	1
1581	1	1		1592	6	4	
1583	4	1		1593	5		
1584	2						

The aggregate of this list is 515 relaxed in person and 383 in effigy, of whom 189 were fugitives and 194 were dead.

If to these figures we add twenty-five per cent. for the missing portion of the record we shall have 644 relaxations in person and 479 in effigy as the result of a hundred and eight years of the most active period of the tribunal of Valencia.

VI.

Brief of Clement VII to Inquisitor-general Manrique, July 15, 1531, Respecting Lutheranism.

(Bulario del Orden de Santiago, Lib. I. de copias, fol. 98).
(See p. 423).

Dilecto filio Alfonso Manrique, Sancti Calixti presbytero cardinali, Hispalensi nuncupato, Clemens PP. VII.

Dilecte fili, salutem et apostolicam benedictionem. Cum sicut veredica relatione ad nostri apostolatus auditum displicenter pervenit, propter libros errores Lutheranos continentes qui ad loca Castellæ et Legionis ac Aragonum regnorum et dominiorum charissimi in Christo filii nostri Caroli Romanorum imperatoris semper Augusti qui etiam Hispaniarum rex existit delati fuerunt, damnata hæresis Lutherana in aliquibus locis regnorum et dominiorum prædictorum pullulare cœperit et ad presens varia et erronea iniquitatis filii hæresiarchæ Martini Lutheri dogmata jam usque adeo invaluerunt et in dictis regnis et dominiis multi reperiantur qui hujusmodi errores et dogmata imitent et publicent ac tales libros vendant et nonnulli hujusmodi erroribus infecti sanctæ matris Ecclesiæ præcepta contemnant ac sanctorum patrum decreta parvifacienda mendaciter affirment et multas blasphemias in omnipotentem Deum ejusque gloriosam genetricem intemeratam semperque Virginem Mariam ac sanctos Dei proferant et varios hæreses introducant ac diversos errores committant in gravissimam divinæ Majestatis offensam et catholicæ et orthodoxæ fidei scandalum et auctoritatis apostolicæ enervationem ac animarum salutis perniciem

et irreparabile detrimentum: Nos, quorum est pro salute gregis dominici huic nefariæ hæresi ne in deteriora procedat omni quo possumus remedio occurrere ac illius sectatores debita arctatione et correctione compescere, circumspectioni tuæ, quæ ecclesiæ Hispalensi ex concessione et dispensatione apostolica præesse dignoscitur et inquisitor generalis in partibus illis existit et de cujus prudentia et rectitudine specialem in domino fiduciam obtinemus contra quoscumque cujuscumque status, gradus, ordinis et conditionis seu præeminentiæ existant, et quacumque ecclesiastica, episcopali et archiepiscopali dignitate seu mundana etiam ducali auctoritate præfulgeant ipsius Martini et aliorum erroneorum dogmatum sectatores, sequaces, fautores et defensores aut illis auxilium consilium et favorem, directe vel indirecte publice vel occulte præstantes, auctoritate nostra inquirendi ac hujusmodi labe infectos, non tamen episcopos et archiepiscopos, capiendi et carceribus mancipandi, necnon juxta canonicas sanctiones et sanctorum patrum instituta, prout qualitas excessuum exegerit vel conscientiæ fuerit et videbitur expedire puniendi, et ad cor redire nolentes a dictæ ecclesiæ communione veluti putrida membra separatos et divisos esse ac damnationi æternæ cum Sathana et angelis ejus addictos, et perpetuo infames et intestabiles esse, et corpora eorum postquam defuncti fuerint sepultura ecclesiastica carere debere denuntiandi et declarandi; et si ad veritatis lumen redire et hujusmodi hæresim abjurare voluerint, etiam si archiepiscopi et episcopi fuerint, postquam errorem suam deposuerint ac de præmissis doluerint idque humiliter petierint, si alias relapsi non fuerint, ab omnibus et singulis excommunicationis, suspensionis et interdicti aliisque ecclesiasticis sententiis, censuris et pœnis quas præmissorum occasione quomodolibet incurrerint, et ab hujusmodi excessibus, delictis et criminibus in forma ecclesiæ consueta absolvendi et super irregularitate quomodolibet contracta dispensandi omnemque inhabilitatis et infamiæ notam sive maculam penitus absolvendi ac eos rehabilitandi et ad nostrum et sedis apostolicæ gremium necnon gratiam et benedictionem restituendi et reponendi, omniaque et singula alia quæ ad hujusmodi pestem reprimendam et radiciter extirpandam necessaria et opportuna esse dignoscuntur et ad officium inquisitoris tam de jure quam consuetudine pertinent et quæ tibi et aliis inquisitoribus generalibus in partibus illis pro tempore deputatis, tam per quoscunque Romanos pontifices prædecessores nostros quam per nos quomodolibet concessa sint, faciendi, ordinandi et exequendi ac auxilium brachii sæcularis invocandi et ad præmissa omnia et singula si et quando expedire videris viros aptos et idoneos cum simili aut limitata facultate subdelegandi et deputandi ipsosque quotiens eis opportunum videbitur revocandi ac loco ipsorum alios similiter idoneos deputandi, plenam et liberam auctoritate apostolica tenore præsentium facultatem concedimus. Nonobstantibus fe. re. Bonifacii papæ VIII, prædecessoris nostri de

una et concilii generalis de duabus diætis et aliis apostolicis constitutionibus contrariis quibuscumque; aut si Lutheranis adhærentibus, fautoribus receptoribus et aliis præfatis vel quibusvis aliis communiter vel divisim a dicta sit sede indultum quod interdici, suspendi vel excommunicari aut extra vel ultra certa loca ad judicium evocari non possint per litteras apostolicas non facientes plenam et expressam ac de indulto hujusmodi mentionem et quibuslibet aliis privilegiis et litteris tam apostolicis quam regularibus sub quibuscumque tenoribus singulis præfatis concessis per quæ præsentium litterarum et vestræ jurisdictionis in præmissis executio quomodolibet impediri vel differri posset quæ quoad hoc ipsis vel alicui ipsorum nullatenus suffragari posse nec debere decernimus. Dat. Romæ apud Sanctum Petrum sub annulo piscatoris, die XV. Julii MDXXXI., Pontificatus nostri anno octavo.—EVANGELISTA.

VII.

LETTER OF CHARLES V TO INQUISITOR-GENERAL VALDES FROM BRUSSELS, JANUARY 25, 1550.

(Archivo de Simancas, Inquisicion de Barcelona, Córtes, Legajo 17, fol. 83).
(See p. 425).

Erasso nos mostro la relacion que embiastes de lo sucedido sobre el derrocamiento de aquellas casas de Valladolid, y por lo que los del Consejo de la Inquisicion nos han consultado lo havemos entendido mas particularmente, y cierto ello ha sido de qualidad que se pudiera llevar por otros terminos, y no ponerse este negocio tan adelante por que dello no puede haberse seguido ningun buen fruto, y los rreyes de Bohemia mis hijos me han escripto lo que habian mandado proveer sobre todo, y paresce que aquello esta bien por que si se obiera de pasar mas adelante no pudiera ser sin notable inconveniente, y porque no sucedan semejantes cosas se provee que se ponga en execucion lo que ordenamos los dias pasados, y se nos inbie relacion dello junto con lo que parescera para que se tome algun termino en estos negocios y se terna el respeto que es razon a lo tocante al Santo Oficio.

De los que nombrastes en el memorial pasado habemos elegido para la plaza de la Inquisicion que esta vaca por cortes al licenciado Otalora; encargamos os le deis luego el despacho en la forma que se acostumbra.

La provision de las Iglesias que estan vacas aun no se ha hecho

quando se tratare dello se mirara en lo que nos habeis escrito cerca de la perpetuidad de los salarios de los Inquisidores y otros oficiales, pues que estan muy cargados de pension.

En lo del doctor Egidio acaso han visto las proposiciones que contra el resultaron y lo que ultimamente tomaron a escribir los Inquisidores de Sevilla, y pues os hallais en esa ciudad encargamos os proveais que se averigue muy bien la verdad, y con la mas brevedad que ser pueda, y se nos consulte lo que parescera en su causa antes que se determine, porque de una manera ò de otra combiene al servicio de Dios y nuestro que aquella Iglesia se de prelado, y porque frai Domingo de Soto nos hablo algunas veces en este negocio diciendo lo que cerca del le escrevistis por lo que se le mostraron las escripturas que embiaron los del Consejo y por esta causa y sus letras y doctrina creemos que convenia que entendiesse en las qualificaciones deste negocio, paresciendose assi proveereis que se le comuniquen.

Despues desto escrive Erasso que podria ser que con aver vacado lo de Sanctiago oviesse mas comodidad para esto.

VIII.

LETTER OF INQUISITOR-GENERAL VALDES TO PAUL IV, SEPTEMBER 9, 1558.

(Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 230). (See pp. 436 and 521).

PARA SU SANCTIDAD.

Sanctisimo Padre:

No he scripto antes a V. S^{t} de los herexes lutheranos que en estas partes nuevamente se an descubierto por pensar que siendo los negocios como son de muy grand inportancia convenia primero hacerse las dilixencias que se an hecho para descubrir mas en ellos y aunque parezca que a avido alguna dilacion en esto suplico a V. S. no lo atribuya a culpa de descuido ni de otra cosa sino al deseo que yo y los ministros del sancto officio que tratamos estas cosas tenemos en cumplir con toda vigilancia lo que es a nuestro cargo en servicio de dios y descargo de V. S. a quien humilmente suplico se acuerde de mandar las cosas que tocaren al servicio de V. S. y de su sancta sede apostolica con la confiança que merece mi deseo y fidelidad de hijo y siervo muy obediente y que siempre tenga memoria de favorecer las cosas del

sancto officio con la aficion y voluntad que lo a hecho para que en tiempo de su felicisimo pontificado se extirpen las herexias y se ahumente la fee catholica y rreligion christiana como espero en dios sera ansi y por no cansar a V. S. con larga carta me rremito a la rrelacion que va con esta por mano del dean de oviedo y de joan de vedoya que tienen cargo en esa corte de los negocios del oficio de la santa Inquisicion de las provincias que estan a mi carga. Guarde dios la muy sancta persona de v. beatitud por muchos años para su servicio y buen govierno de su yglesia. En valladolid 9 de setiembre 1558. S.V. Servus humilis, F. Hispalens.

La Relacion que se embio con la carta a su Santidad—

Despues que se a tenido noticia de las herexias y herrores de lutero y sus secaces y se an estendido por muchas partes de la cristiandad la provincia que por la gracia de dios mas libre a estado desta macula a sido los rriñones de españa por el gran cuidado y vixilencia de los ministros del santo oficio de la Inquisicion aunque algunos pocos naturales y otros estranjeros dellos an sido convencidos y condenados por herexes destos herrores y executados en sus personas las penas que merecian en los que an podido ser avidos y contra otros que se an ausentado se a procedido en rebeldia y an sido condenados en su ausencia y contumacia.

A sucedido de un año a esta parte poco mas ó menos que como los Inquisidores de sevilla por ciertos avisos e yndicios que tuvieron començaron a inquirir y hacer dilixencias contra ciertas personas de aquella cibdad y esto vino a noticia de unos frailes del monesterio de sancti ysidro extramuros della que son de la orden de los hermitanos de sant geronimo y entendieron ser culpados luego se ausentaron del monesterio y del arçobispado y del reyno y entiendese que estan en alemania los nombres de los quales van en una memoria questa con esta y de los que quedaron en el monesterio estan presos en la Inquisicion de Sevilla ochos frailes demas de otras personas sus conplices. A esta saçon que esto acaecio supose tanbien como hera venido a sevilla un hombre español llamado Julian que venia de alemaña y traia cartas de un herexe que alla esta deste reyno llamado joan perez para ciertas personas principales de aquella cibdad y que tanbien avia traido muchos libros de herexes ansi en latin como en lengua española y los avia repartido por ciertas personas que se los pagavan bien. Este hombre fue avisado y encubierto y persuadido que luego se ausentase porque los Inquisidores lo sabrian y le quemarian y ansi se ausento de manera que por buena dilixencia de los Inquisidores fue preso en la sierra morena treinta leguas de sevilla adonde fue traido y esta preso el qual aunque al principio muchos dias estuvo muy pertinaz en sus herexias y dixo de otras muchas personas ya parece que muestra arrepentimiento y que quiere rreducirse a la yglesia catholica. De la prision deste y de los otros an rresultado otras muchas prisiones que

se an hecho y estan presos y otras se espera que lo seran en sevilla e su comarca.

Entiendese que toda la mayor parte del daño que se a hallado en sevilla rresulto de algunos companeros y debotos del doctor exidio canonigo de la magistral de aquella iglesia ya defunto que fue admitido el año de cinquenta y tres a abjuracion de muchos herrores que tuvo cerca de estas materias aunque segund se sospecha falsa y finxidamente y que engaño a los Inquisidores de manera que quedaron muchos inficionados de su ponçona en que ay personas principales Illustres y letrados los quales hasta aora ay alli presos demas de los frailes de sant Ysidro verse an por la memoria que va con esta. Demas de lo dicho abra cinco o seis meses que por ciertos indicios y avisos quel Inquisidor general y el consejo e inquisidores tuvieron se entendio que en valladolid salamanca çamora toro palencia logroño se domaticavan muy secretamente malas doctrinas de los herrores lutheranos y aunque la averiguacion y Inquisicion desto se començo a hacer con toda la disimulacion y secreto posible no dexo de venir a noticia de algunos de los culpados entre los quales fue frai domingo de rrojas fraile y predicador de la orden de sancto domingo hijo del marques de poça e don carlos de seso que huieron con toda dilixencia el fraile en abito seglar y fueron presos en navarra adonde ya tenian salvo conduto para se pasar en francia como lo hicieran si la buena dilixencia de la Inquisicion no los previniera embiando por todos los puertos y pasos de los confines de los reynos despaña ansi maritimos como de la tierra fueron traidos a la Inquisicion de valladolid adonde esta la corte y rreside el Inquisidor general y consejo de Inquisicion y se an prendido y estan presos otros muchos conplices ansi personas principales e Illustres e letrados cuios nonbres van en el memorial e sus causas y procesos se oyen y prosiguen con todo cuydado e dilixencia porque demas de los Inquisidores que de asiento rresiden en la Inquisicion de valladolid el Inquisidor general a proveido que dos de los del consejo que asisten con el vaian cada dia mañana y tarde a la audiencia de las carceles a oyr a los presos y tomar sus confisiones y proveer lo necesario y por ser los presos muchos y las causas y personas tan calificadas se a mandado venir otros Inquisidores y oficiales de otros partidos para que todos juntos se ayuden para la brevedad y buena expedicion de los negocios y conclusos los procesos esta acordado que se llamen perlados y letrados theologos y juristas de los mexores y de mas auctoridad que se hallaren para que juntamente con los Inquisidores los vean y determinen conforme a derecho y a la calidad y gravedad de cada uno.

Hanse embiado Inquisidores que hagan dilixencia en salamanca toro çamora Palencia logroño y en otros lugares donde los principales domatistas y culpados questan presos han frequentado mas sus comunicaciones de que se presume an hecho mucho daño y a sevilla se embio el obispo de taraçona que a sido Inquisidor muchos años para

que como persona de expiriencia y de la dignidad que tiene asista con los Inquisidores y personas que entienden en los negocios de alla y de color y auctoridad a lo que alli se hiciere demas de lo que el Inquisidor general y el consejo de la Inquisicion aiudan de la corte con todo el cuidado y dilixencia posible por la auctoridad rreal porque la mag^{t} inperial y rreal y la serenisima princesa en su nonbre han hecho toda demostracion y dado todo favor ansi con sus cartas y provisiones como socorriendo con diez mill ducados para los gastos que se an hecho y hacen porque del officio no avia un maravedi que aun para las prisiones de los que se avian ausentado fue necesario quel arçobispo Inquisidor general lo proveiese de su camara.

Puesto que se an hecho las dilixencias posibles en que no se vendan ni se traigan a estos reynos libros prohibidos que an sido la principal causa deste daño y sean hecho censuras dellos todavia los herexes que stan en alemania y en otras partes que parece han tenido correspondencia con algunos destos partes an tenido forma para meterlos y para que en el rremedio desto aya mas vixilancia y que la comunicacion de estranxeros de provincias dañadas no hagan mas daño en estas se da orden que vaian y rresidan Inquisidores con sus officiales por las costas de la mar y lugares donde suele aver concurso de tractantes y gentes de la calidad que esta dicho.

Y aunque al principio que se instituio el officio de la sancta Inquisicion en estos rreynos en tiempo de los reyes catholicos de gloriosa memoria avia ynquisiciones con todos los oficiales que heran menester para Inquisicion formada casi en cada obispado y como yvan diminuendo las confiscaciones de las haciendas de los condenados con que se pagavan los officiales se ivan tanbien acortando el numero de las inquisiciones hasta que quedo en las pocas que agora son que ay inquisicion que tiene en su partido quince obispados y aun para los officiales que en ella rresiden no ay con que cumplir los salarios tenues que les estan señalados que no a sido de poco inconviniente para la auctoridad del sancto officio y aun de algun escrupulo para los que tractamos y aunque algunas veces se a puesto en platica por los sumos pontificos pasados el rremedio desto no se a dado creese que por neglixencia de los que solicitaron y segund el tiempo es tan peligroso de las herexias que se an levantado parece muy conviniente y necessario que se accrecentasen mas Inquisiciones como al principio las avia y que los salarios fuesen para poder sustentar los officiales y se perpetuasen lo qual se podria hazer facilmente mandando su S^{t} aplicar algunas rrentas eclesiasticas que sirven de poco fructo a la iglesia de dios y seria mexor enpleado en sustentarse la Inquisicion que a andado y anda muy quebrantado por falta desto y aunque en todos estos negocios se entiende con toda la dilixencia posible no savemos en que parara para adelante si el sancto officio de la Inquisicion no tiene de que se susentar el rremedio de lo qual se spera de su santidad segund la aficion

y cuydado particular a tenido siempre y tiene de hazer merced y favor al sancto officio.

Considerado bien estos negocios parece que no dexan de tener el principio de mas lexos y que las herexias que el maestro joan de oria fue acusado y los herrores que vinieron los quales llamavan alumbrados o dexados naturales de guadalaxara y de otras lugares de reyno de toledo y de otras partes heran de la simiente destas herexias lutheranas sino que los Inquisidores que en aquel tienpo conocieron de aquellos causas no estavan praticos destos herrores lutheranos para usar de la execucion que conviniera hacerse con mas rrigor lo qual y aver ydo algunos de los culpados a rroma y aver hallado alli buena acoxida y y dispensando con ellos les dieron ocasion de atreverse a ser pertinaces en sus herrores y dexar sucesion dellos como tanbien se a entendido que de averse admitido el doctor exidio a rreconciliacion el año de cinquenta y tres por no alcançar los jueces los inconvinientes que para adelante se rrepresentan con la espiriencia en las cosas desta qualidad como esta dicho a sucedido el daño que aora se descubre en sevilla por ser los principales culpados de los que fueron apasionados y aficionados y sequaces del doctor egidio de quien les quedo el lenguaxe de sus herrores y falsa doctrina.

Ansi mesmo se tiene entendido que algunos perlados y frailes y otras personas particulares en estos rreinos tienen libros prohibidos de auctores herexes y de herrores lutheranos y aunque se an publicado las censuras que por el sancto officio estan proveidas y discernidas para que no los tengan y los exhiban a los officiales que para esto estan nombrados por el sancto officio no los dexan de tener diciendo que tienen facultad y licencia apostolica para ello y demas del peligro que podria suceder en los que los tienen en leerlos como se entiende que de leerse an dañado algunos letrados y otras personas es tanbien de mucho peligro que algunos de los que los tienen dexan libremente leerlos a los de su casa y personas que entran en ella segund se tiene rrelacion dello convernia que su santidad proveyese rrevocando por su breve todas las licencias y facultades que se an dado para tener libros prohibidos por la iglesia catholica y por el santo officio mandando con graves penas que no los tengan y que los que tienen los entreguen luego al sancto officio y que pueda proceder con todo rrigor contra los que hizieren lo contrario e imponiendo grandes censuras y excomunion late sentencie a los confesores ansi curas frailes como otros qualesquier sacerdotes hagan preguntas particulares a los penitentes si tienen libros prohibidos o de mala doctrina o si saben o hagan oydo quien los tenga o ayan dicho alguna cosa contra nuestra sancta fee catholica o contra lo que tiene la sancta madre iglesia de rroma y que los que hallaren que algo desto tienen o saben no los asuelban sino que vaian a decirlo a la Inquisicion porque del descuido o malicia de algunos confesores se entiende que a avido mucho daño so color de

correcion fraterna y no parece que dexa de ser de mucho ynconviniente la clausula que en las bulas de cruçada y otras bulas se concede facultad de poder elexir confesor qual quisieren por que con esto no pueden tener buena cuenta los curados de sus perochianos.

Atento lo qual y que estos herrores y herexias que se an començado a domaticar y sembrar de luthero y sus secaces en españa an sido a manera de sedicion o motin y entre personas principales a sido en linaxe rreligion y hacienda como en deudos principales de quien ay gran sospecha que podrian suceder mayores daños si se usase con ellos de la benignidad que se a usado en el sancto officio con los convertidos de la ley de moisen y de la secta de mahoma que comunemente an sido gente baxa y de quien no se temia alteracion ni escandalo en el reyno como se podria tener o sospechar en los culpados destas materias lutheranas ansi por lo ya dicho como por ser materia de libertad de obligaciones y preceptos de la iglesia que el pueblo tiene por pesados y se aficionaria facilmente a libertarse y podria ser que los Inquisidores apostolicos y consultores y tanbien los ordinarios que an de ser llamados para la determinacion de los negocios o algunos dellos al tiempo de votar y sentenciar los procesos tuviesen algun escrupulo de rrelaxar al braço seglar alguno de los culpados que serian personas de calidad para admitirlos a misericordia se sospecha que no cunplirian las penitencias o carceles que les fuesen impuestas con la humildad y paciencia que lo suelen hacer las otras personas de mas baxa suerte y por la qualidad de las tales personas y de sus deudos podrian suceder mayores inconvinientes y escandalos ansi en lo de la rrelixion como en lo de la publica paz y sosiego del rreyno y por todo esto convernia mucho que su santidad concediese y mandase por un breve a los Inquisidores apostolicos y consultores que sin temor ni escrupulo de yrregularidad ni de otra cosa pudiesen rrelaxar y rrelaxasen al braço seglar ansi a las personas culpadas de quien verisimilmente se pudiese temer o sospechar alteracion en la republica christiana o perturbacion de la paz y quietud del reyno como a los domagtitas destas herexias y a los que principalmente fueren culpados en quien a los jueces pareciere conviniente usar de la execucion de la justicia exemplar aunque fuesen personas constituidas en qualquier dignidad seglar o pontifical y eclesiastica y de qualquier orden habito y rreligion y estado que sean conociendo de sus causas y procediendo contra ellos a cautura y execucion de sus sentencias dando a los dichos Inquisidores y consultores libre poder y alvedrio para usar del rrigor que la calidad de los negocios y tiempos y del temor de lo contrario dellos para lo fucturo lo rrequiere y que se puedan estender etiam ultra terminos juris communis.

Algunos años a que en estas Inquisiciones no se hallaran culpados sino muy pocos en los herrores de la lei de moisen hasta aora de pocos dias aca que en la Inquisicion de murcia se an descubirto muchos personas culpadas en esto del judaismo y aunque de algunos se a hecho

justicia en un acto solene que alli se celebro de la fee estan presos y para prenderse otras muchas personas de calidad que no es de menos ynportancia que los otros negocios que se ofrecen.

Ansi mesmo a avido y ai mucho en que entender con los nuevos convertidos de moros de los reinos de castilla granada aragon y valencia que por bivir libremente en la seta de mahoma se pasavan a ververia y los mas de los que quedavan no dexavan de guardar las cerimonias de la dicha secta a se dado la mejor orden que a sido posible para mas asegurarlos de que an de ser tractados con clemencia como parecio que convenia para su quietud y para su enmienda y buena ynstrucion y doctrina christiana para que cesen las ofensas que cometian contra dios nuestro señor con su mal bivir y para justificar la execucion de la justicia y castigo que se hiciere en los culpados.

IX.

Expulsion of English and Scotch Protestants in 1625.

(Archivo de Simancas, Inquisicion, Libro 19, fol. 239).
(See p. 466).

Señor. Luego que por el año de 1605 se hicieron las paces entre el Señor Rey Don Felipe 3, Padre de V. Mag^{d} (que santa gloria aya) y Serenisimos Archiduques con los Reynos de Inglaterra y Escocia, para que los capitulos de ellas pertenecientes al comercio tuviesen efecto, precediendo permision de su Santidad, parecio conveniente ordenar que no fuesen molestados las personas que de los dichos Reynos de Inglaterra y Escocia pasasen a los de V. Mag^{d}, por razon de la conciencia y religion, como con efecto se mandó á las Inquisiciones de estos Reynos, solo con fin de asegurar mas la contratacion y paz, y haviendose rompido como es notorio sin causa ni razon por los dichos Reynos de Inglaterra tomando las armas contra los de V. Mag^{d} cesan las causas de la permision que su Santidad dió en consideracion de las paces, y me hallo obligado en conciencia á procurar obiar los inconvenientes y daños que pueden resultar á los catholicos de la comunicacion y trato con tan perniciosos y pertinaces herejes como son los naturales de aquellos Reynos, no permitiendo que vivan ni esten en estos de V. Mag^{d} y lo contrario sera contravenir á la voluntad de su Santidad y faltar yo á las obligaciones de fiel vasallo de V. Mag^{d} y de mi officio y para cumplir con todo he ordenado que se publique un edicto en esta corte y en las ciudades y lugares principales de estos Reynos para

que todos los naturales de los de Inglaterra y Escocia que no fueren Catholicos y reconocieren á la Santa Iglesia catholica Romana salgan dentro de veynte dias de todos los Reynos y señorios de V. Mag^{d} con apercebimiento que pasado el dicho termino seran castigados por el santo officio los transgresores, y de hacerlo assi resulta muy gran servicio á Dios y benefficio á estos Reynos, donde la santa fe catholica se ha conservado en su pureza mediante el santo celo y vigilancia de V. Mag^{d} y los señores Reyes sus predecesores, y por ser negocio grave y de que es razon tenga V. Mag^{d} noticia no lo he querido executar sin dar dello cuento primero a V. Mag^{d} que en todo mandara lo que fuere servido. En Madrid, 9 de Noviembre de 1625. Señalada del Ill^{mo} Señor Inquisidor general.

X.

Edict of Prohibition of a Book.

(From a Formulary in Archivo histórico nacional, Inquisicion de Toledo, Legajo 498).
(See p. 484).

CARTA PARA REMITIR EDICTOS.

Con esta se le remite el edicto yncluso en que se prohiven los papeles y libros que en el se mencionan, y asi en reciviendole en el primer dia de Domingo ó fiesta de guardar, le hara publicar al ofertorio de la misa combentual que se dixere en la parrochial de la villa ó lugar, y un tanto del autorizado del notario se pondra á las puertas principales de dicha parrochial (y le remitira original á los lugares que se contienen á la margen). Y esto se dice quando se remite el mismo á otras partes y se le ponen los lugares á la margen, y se firma dicha carta de los señores Inquisidores y se refrenda de un secretario. Quando se le remite algun expurgatorio se le dice al comisario que ante dos religiosos los mas doctos, y sino hubiere dos sacerdotes, haga el expurgatorio al tenor del que se le remite, y que ponga en el principio de los que expurgare y borrare como los expurgó en tantos de tal mes y año.

EDICTO EN QUE SE PROHIBEN LIBROS.

Nos los inquisidores Appostolicos contra la heretica pravedad y apostasia en todo el reyno de Navarra, obispado de Calahorra y la

Calzada y de su distrito etc. hacemos saver á todos y qualesquier personas de qualquier estado preheminencia y condicion que sean, exemptos y non exemptos, deste nuestro distrito que, al servicio de Dios nuestro señor, bien y utilidad de nuestra santa fee Catholica y religion Christiana, combiene y es necesario se recojan y prohivan yn totum los libros y papeles siguientes. Primeramente (aqui se ponen los libros que se prohiven y acavando se dice) Por tanto por el tenor de las presentes mandamos so pena de excomunion mayor latæ sententiæ, trina canonica monicione premisa, y de cada cinquenta mil maravedis para gastos del santo officio, que ninguna persona en cuyo poder se hallaren dichos libros ó papeles no pueda leerlos mano escriptos ni ympresos de los dichos ni de otras qualesquier impresiones, benderlos ni ymprimirlos de nuebo, antes bien dentro de tercero dia los traigan á este Santo Officio ó los entreguen al Comisario en cuio distrito se hallare, con apercivimiento que lo no haciendo dentro del dicho termino procederemos contra los que reveldes fueren por todo rigor del derecho, como contra personas ynobedientes á los mandamientos y censuras del Santo Officio. Dado en la Inquisicion de Logroño á Firman los señores Inquisidores y rrefrendalo un secretario. Y se escrive en papel á lo ancho.

XI.

Commission for the Examination of Libraries.

(Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 233).
(See p. 487).

Nos, Don Fernando de Valdés, por la divina miseracion arzobispo de Sevilla etc. confiando de las letras y recta conciencia de vos el r^do licenciado Martin del Pozo provisor en el obispado de Tarazona, y que bien y dilixentemente hareis lo que por nos vos fuere encomendado, por el thenor de la presente vos damos poder y facultad para que podais visitar y visiteis todas las librerias de qualesquier libreros, monesterios, universidades y personas particulares que estan y rresiden en todo el destricto del dicho obispado para ver si ay algunos libros hereticos, sospechosos y escandalosos ansi de los contenidos en el cathalogo de los libros rreprovados como de los que contengan en si alguna herror ò sospecha del y mandamos à todos y qualesquier personas de qualquier estado orden y rreligion y qualidad que sean, que vos muestren y dexen ver las dichas sus librerias y libros que tuvieren

para el dicho efecto, lo qual hagan y cumplan so pena de sentencia dexcomunion mayor late sentencie y de docientos ducados de oro à cada uno que lo contrario hiciere para los gastos del sancto officio, y los rreprobados, sospechosos ò malsonantes que hallaredes y las informaciones que recibieredes contra las personas que tuvieren los dichos libros las remetid à los r^dos^ Inquisidores de Çaragoça para que vista hagan en el dicho negocio justicia, para lo qual todo vos damos el dicho nuestro poder y cometemos nuestras veces. Dada en Valladolid à 13 dias de abril, año 1559. F. Hispalens. Por mandado de su S° Ill^mo^, Pedro de Tapia.

XII.

Licence to Read a Bible in Italian.

(Archivo de Simancas, Sala 40, Libro 4, fol. 126).
(See p. 528).

Nos, Don Juan Tavera, Inquisidor General contra la heretica pravedad en los Reinos y Señorios de su Magestad etcetera. Por quanto por parte de vos la muy ilustre señora Duquesa de Soma nos ha seido pedido que se vos diese licencia de tener Biblia traducida en vulgar toscano y leer en ella, confiando de vuestro buen celo y devocion, vos damos licencia y facultad para que tengais la dicha Biblia en toscano y leais en ella por espacio y termino de un año no embargante qualquier prohibicion que en contrario sea fecha sin caer ni incurrir por ella en pena alguna, en testimonial de lo qual mandamos dar la presente firmada de nuestro nombre y refrendado del secretario de la general Inquisicion.

Dada en la villa de Madrid à veinte de Hebrero de mil quinientos quarenta y tres años.

I. Cardinalis.

Por mandado de su ilustrisima y reverendisima señoria.

Hieronimo Zurita.



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